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BUSINESS PAPER

Ordinary Council Meeting

7 September 2021

Warwick Bennett
General Manager

We hereby give notice that an Ordinary Meeting of Council will be held on:
 Tuesday, 7 September 2021 at 6pm
 in the Council Chambers, Civic Centre
 184 - 194 Bourke Street, Goulburn

Order Of Business

1	Opening Meeting	5
2	Acknowledgement of Country	5
3	Councillors Declaration and/or Prayer	5
4	Apologies	5
5	Applications for a Leave of Absence by Councillors	5
	Nil	
6	Late Items / Urgent Business	5
7	Disclosure of Interests	5
8	Presentations	6
	Nil	
9	Public Forum	6
10	Confirmation of Minutes	7
	10.1 Minutes of the Ordinary Meeting of Council held on 17 & 24 August 2021	7
11	Matters Arising	20
	11.1 Matters Arising from Council Meetings Minutes from the 17 & 24 August 2021	20
	11.2 Outstanding Task List from All Previous Meetings.....	21
12	Mayoral Minute(s)	24
	Nil	
13	Notice of Motion(s)	24
	Nil	
14	Notice of Rescission(s)	24
	Nil	
15	Reports to Council for Determination	25
	15.1 Returning Officer	25
	15.2 Deputy Mayoral Election	27
	15.3 Committee Appointments	29
	15.4 Working Party Membership	31
	15.5 External Committee Appointments	34
	15.6 DA/0419/2021 - Construction of six (6) attached town houses with seven (7) lot community title subdivision at 10 Ben Bullen Place, Goulburn	38
	15.7 DA/0171/1819 - Draft Planning Agreement, Lot 50 Brayton Road, Marulan	149
	15.8 Compliance Update.....	200

15.9	Draft Vegetation Removal Offset Policy and Associated Fees - Post Exhibition Report	205
15.10	Road Closure Application Adjoining 667 Readers Road, Quialigo	212
15.11	Tender No 2021T0021 – Trainee and Apprentice Employment Services.....	219
15.12	Request for Financial Assistance - Goulburn Car & Motorcycle Show.....	223
15.13	External Meeting Minutes.....	230
16	Closed Session	292
	There were no closed session reports for determination.	
17	Conclusion of the Meeting	292

Cr Bob Kirk
Mayor

Warwick Bennett
General Manager

1 OPENING MEETING

The Mayor will open the meeting and notify that this meeting is webcast live on the Council’s website.

2 ACKNOWLEDGEMENT OF COUNTRY

The following acknowledgement will be made by the Mayor or General Manager.

“I would like to Acknowledge and pay our respects to the Aboriginal Elders both past and present, as well as emerging leaders, and Acknowledge the traditional custodians of the Land on which we meet today.”

3 COUNCILLORS DECLARATION AND/OR PRAYER

The Mayor will ask a Councillor to read either the following Declaration or Prayer on behalf of the Councillors present.

Declaration

“On behalf of the elected Councillors present here tonight I solemnly and sincerely declare and affirm that we will undertake the duties of the office of Councillor in the best interests of the people of Goulburn Mulwaree and that we will faithfully and impartially carry out the functions, powers, authorities and discretions vested in us to the best of our ability and judgement.”

OR

Prayer

“We thank thee, Lord, for this position of honour and trust. Give us the courage to serve our Council and community with honesty and integrity; and to discharge the duties entrusted to us for the common good of all mankind.”

4 APOLOGIES

The Mayor will call for any apologies.

Council will resolve to accept any apology.

5 APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS

Nil

6 LATE ITEMS / URGENT BUSINESS

The Mayor will call for any Late Items, Information or Urgent Business.

Council may resolve to accept any late item, information or urgent business to be discussed and/or determined at this meeting.

7 DISCLOSURE OF INTERESTS

With reference to Chapter 14 Local Government Act 1993, and Council’s Code of Conduct, Councillors are required to declare any conflicts of interest in the matters under consideration by Council at this meeting.

8 PRESENTATIONS

Nil

9 PUBLIC FORUM

- (1) In accordance with Council's Public Forum Guideline, Council permits members of the public to address Council meetings in open forum at every Ordinary Council meeting.
- (2) A person wishing to address a meeting must contact staff in Council's Executive Section by 5.00pm [either in writing or via telephone call] on the day of the meeting and provide their name, their contact details and summary details of the item they wish to speak about.
- (3) The Mayor or Chairperson will call members of the public to address the meeting in accordance with the order of business. The address should be for no more than 5 minutes duration.
- (4) Members of the public addressing Council must abide by similar standards that apply to Councillors under the Council's Code of Conduct and this Code of Meeting Practice.
- (5) If a member of the public addressing the meeting fails to comply with the Mayor or Chairperson's call to order, the Mayor or Chairperson may withdraw that person's right to address the meeting.
- (6) In making the address:
 - a. If the chairperson is the Mayor he or she should be addressed as 'Mr Mayor' or 'Madam Mayor' or 'Mayor Surname' or 'Mayor First Name'.
 - b. When the chairperson is not the Mayor they should be addressed as Mr. or Madam Chair or Mr. or Madam Chairperson.
 - c. Councillors must be addressed as 'Councillor Surname or Councillor First Name'.
 - d. Officers must be addressed as Mr. or Madam [job title or surname] e.g Mr. General Manager.

The general standards that apply in Council's Code of Conduct and Code of Meeting Practice (Section 4) are applicable to addresses made by the public in Public Forum.

10 CONFIRMATION OF MINUTES

10.1 MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 17 & 24 AUGUST 2021

Author: General Manager

Authoriser: Warwick Bennett, General Manager

Attachments: 1. Minutes of the Ordinary Meeting of Council held on 17 & 24 August 2021

RECOMMENDATION

That the Council minutes from Tuesday 17 August 2021 and reconvened on Tuesday 24 August 2021 and contained in Minutes Pages No 1 to 13 inclusive and in Minute Nos 2021/374 to 2021/393 inclusive be confirmed.



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OUR MISSION TO BE EASY TO DO BUSINESS WITH

MINUTES

Ordinary Council Meeting

17 August 2021

&

Reconvened

24 August 2021

Order Of Business

1	Opening Meeting	5
2	Acknowledgement of Country	5
3	Councillors Declaration and/or Prayer	5
4	Apologies	5
5	Applications for a Leave of Absence by Councillors	6
	Nil	
6	Late Items / Urgent Business	6
7	Disclosure of Interests	6
8	Presentations	6
	Nil	
9	Public Forum	6
10	Confirmation of Minutes	6
	10.1 Minutes of the Ordinary Meeting of Council held on 3 August 2021.....	6
11	Matters Arising	6
	11.1 Matters Arising from Council Meetings Minutes from the 3 August 2021	6
	11.2 Outstanding Task List from All Previous Meetings.....	7
12	Mayoral Minute(s)	7
	Nil	
13	Notice of Motion(s)	7
	Nil	
14	Notice of Rescission(s)	7
	Nil	
15	Reports to Council for Determination	8
	15.1 DA/0101/2021 - Truck Depot (6 trucks), 31 Lockyer Street Goulburn	8
	15.2 RFT 2021T0028 Organic Material Screening Machine	9
	15.3 Naming of Community Facilities	9
	15.4 Road Closure Application Adjoining 667 Readers Road, Quialigo.....	9
	15.5 Village Discretionary Funds.....	10
	15.6 Budget Carry-overs	10
	15.7 Monthly Financial Report.....	10
	15.8 Statement of Investments & Bank Balances.....	11
	15.9 Reuse Scheme Goulburn - July 2021 Status Report	11
	15.10 Goulburn Aquatic Centre Redevelopment Stage 1 Construction - July 2021 Status Report	11
	15.11 Goulburn Performing Arts Centre - July 2021 Status Report	11
	15.12 Goulburn Regional Hockey Facility - July 2021 Status Report.....	12
	15.13 Natural Disaster Essential Public Asset Restoration Project - July 2021 Status Report	12

15.14 Corporate & Community Services Directorate Report July 2021 12

15.15 Utilities Directorate Report - July 2021 12

15.16 Operations Directorate Report - July 2021 13

15.17 Planning & Environment Directorate Report July 2021 13

15.18 Goulburn Mulwaree Youth Council Meeting Notes - 17 August 2021 13

16 Closed Session 13

There were no closed session reports for determination.

17 Conclusion of the Meeting 13

**MINUTES OF GOULBURN MULWAREE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, CIVIC CENTRE, 184 - 194 BOURKE STREET,
GOULBURN
ON TUESDAY, 17 AUGUST 2021 AT 6PM**

PRESENT: Cr Bob Kirk (Mayor),

IN ATTENDANCE: Warwick L. Bennett (General Manager) & Amy Croker (Office Manager).

1 OPENING MEETING

Mayor Bob Kirk opened the meeting 6pm.

The Mayor adjourned the meeting at 6pm because of a lack of quorum.

The reason there was no quorum was because of State Government Stay at Home Public Health Orders.

The Mayor advised the meeting would resume at 6pm on Tuesday 24 August 2021 here in the Council Chambers.

The meeting resumed on Tuesday 24 August 2021 at 6pm.

The following Councillors were present in the Council Chambers:

Cr Bob Kirk (Mayor)

The following Councillors were present via Zoom:

Cr Peter Walker (Deputy Mayor), Cr Andrew Banfield, Cr Sam Rowland, Cr Leah Ferrara, Cr Alfie Walker, Cr Margaret O'Neill, Cr Carol James, Cr Denzil Sturgiss

Also in attendance:

Warwick L. Bennett (General Manager) (Present) & Amy Croker (Office Manager) (Present).

Also in attendance via Zoom:

Brendan Hollands (Director Corporate and Community Services), Marina Hollands (Director Utilities), Scott Martin (Director Planning & Environment, Matt O'Rourke (Director Operations)

The Mayor advised that the meeting would be webcast live.

2 ACKNOWLEDGEMENT OF COUNTRY

Mayor Bob Kirk made the following acknowledgement.

"I would like to Acknowledge and pay our respects to the Aboriginal elders both past and present as well as emerging leaders, and Acknowledge the traditional custodians of the Land on which we meet today."

3 COUNCILLORS DECLARATION AND/OR PRAYER

The opening prayer was read by Deputy Mayor Peter Walker.

4 APOLOGIES

Nil

5 APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS

Nil

6 LATE ITEMS / URGENT BUSINESS

Nil

7 DISCLOSURE OF INTERESTS

Cr Andrew Banfield made a statement in relation to the Business Paper. He has assessed the Business Paper and does not perceive any declaration of interest is required to be declared in relation to his employment with Denrith Group of Companies.

8 PRESENTATIONS

Nil

9 PUBLIC FORUM

Nil

10 CONFIRMATION OF MINUTES**10.1 MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 3 AUGUST 2021****RESOLUTION 2021/374****Moved: Cr Andrew Banfield****Seconded: Cr Sam Rowland**

That the Council minutes from Tuesday 3 August 2021 and contained in Minutes Pages No 1 to 50 inclusive and in Minute Nos 2021/343 to 2021/373 inclusive be confirmed.

CARRIED**11 MATTERS ARISING****11.1 MATTERS ARISING FROM COUNCIL MEETINGS MINUTES FROM THE 3 AUGUST 2021**

Nil

11.2 OUTSTANDING TASK LIST FROM ALL PREVIOUS MEETINGS

RESOLUTION 2021/375

Moved: Cr Bob Kirk

Seconded: Cr Leah Ferrara

That:

- 1. Council notes the Task List and authorises the deletion of completed tasks.**
- 2. Due to the postponement of the Local Government elections Council does not defer the establishment of the Working Party for the Goulburn Mulwaree Award.**
- 3. The Community Centre status option be amended to be referred to the incoming Council.**

CARRIED

12 MAYORAL MINUTE(S)

Nil

13 NOTICE OF MOTION(S)

Nil

14 NOTICE OF RESCISSION(S)

Nil

15 REPORTS TO COUNCIL FOR DETERMINATION**15.1 DA/0101/2021 - TRUCK DEPOT (6 TRUCKS), 31 LOCKYER STREET GOULBURN****RESOLUTION 2021/376****Moved: Cr Sam Rowland****Seconded: Cr Denzil Sturgiss****That:**

1. The staff assessment report for development application DA/0101/2021 for the proposed Truck Depot be received.
2. Consent be refused for DA/0101/2021 for a Truck Depot for six (6) trucks located at 31 Lockyer Street, Goulburn for the following reasons:
 - a) The proposal does not satisfy Part 1 Section 1.3(g) of *“Environmental Planning and Assessment Act 1979”* as it does not to promote good design and amenity of the built environment;
 - b) The proposal does not meet the requirements of the Truck Depot definition of the *“Goulburn Mulwaree Local Environmental Plan 2009”* as it does not involve onsite servicing of trucks.
 - c) The proposal does not meet the requirements of Clause 1.2 (2)(a) of the *“Goulburn Mulwaree Local Environmental Plan 2009”* as it does not promote the orderly and economic use and development of the land in the area;
 - d) The proposal does not meet the requirements of Section 4.2.7 Non-residential development – retail, commercial and industrial –Noise and vibration – general requirements of the *“Goulburn Mulwaree Council Development Control Plan 2009”*; in regards to minimisation of noise and vibration impacts to adjoining residential areas.
 - e) The proposal having regard to the provision of Section 4.15 of *“Environmental Planning and Assessment Act 1979”* is considered to not be in the public interest as it promotes noise and land use conflict with the locality; and

The proposal having regard to the provision of Section 4.15 of the *“Environmental Planning and Assessment Act 1979”* is considered to not be in the public interest as it has not fully demonstrated that impacts of noise emission will not have a negative impact on the surrounding locality..

Section 375A of the *Local Government Act 1993* requires General Managers to record which Councillors vote for and against each planning decision of the Council, and to make this information publicly available.

CARRIED

In Favour: Crs Bob Kirk, Peter Walker, Andrew Banfield, Sam Rowland, Leah Ferrara, Alfie Walker, Margaret O'Neill, Carol James and Denzil Sturgiss

Against: Nil

15.2 RFT 2021T0028 ORGANIC MATERIAL SCREENING MACHINE**RESOLUTION 2021/377****Moved: Cr Sam Rowland****Seconded: Cr Leah Ferrara****That**

- 1. The report from the Operations Centre Manager on the purchase of the Organic Material Screening Machine be received**
- 2. Council approve the purchase of organic material screening machine from GCM Enviro at a cost of \$379,500.00 excluding GST.**

CARRIED**15.3 NAMING OF COMMUNITY FACILITIES****RESOLUTION 2021/378****Moved: Cr Margaret O'Neill****Seconded: Cr Peter Walker****That**

- 1. The report from the General Manager on the Naming of Community Facilities be received.**
- 2. The re-developed hockey facility at Finlay Road be named the "Goulburn Regional Hockey Centre"**
- 3. The Cookbundoon pavilion be named the Graham Coe Pavilion**
- 4. A plaque be placed in the Cookbundoon pavilion recognising the commitment, passion and service of Graham Coe to soccer in this region and the Coe family be invited to a ceremony to celebrate that service and unveil the plaque.**
- 5. Council writes to Shirley Harvey acknowledging the excellent service that Ray Harvey has given to sport in this region especially towards assisting young sports people achieve their goals and that this receives special recognition with the naming and annual presentations of "The Ray Harvey Sports Awards". And a plaque be erected in the new Hockey pavilion recognising the contribution of Ray Harvey to sport in this region.**

CARRIED**15.4 ROAD CLOSURE APPLICATION ADJOINING 667 READERS ROAD, QUALIGO****RESOLUTION 2021/379****Moved: Cr Alfie Walker****Seconded: Cr Margaret O'Neill**

That the report from the Business Manager Property & Community Services on a proposed road closure parallel to Lot 3 DP 1014745, 667 Readers Road, Qualigo be received and deferred.

CARRIED

15.5 VILLAGE DISCRETIONARY FUNDS**RESOLUTION 2021/380****Moved: Cr Sam Rowland****Seconded: Cr Denzil Sturgiss****That**

- 1. The report of the General Manager in regard to Village Discretionary Funds be received**
- 2. The Village Discretionary Fund Working Parties be re-constituted until the 30th November 2021 if they so wish and be authorised to expend in their communities 50% of the 2021/22 Discretionary Fund allocation for their villages plus any funds that were unspent at 30th June 2021.**

CARRIED**15.6 BUDGET CARRY-OVERS****RESOLUTION 2021/381****Moved: Cr Peter Walker****Seconded: Cr Margaret O'Neill****That**

- 1. The report by the Director Corporate & Community Services on the Budget Carry-overs be received**
- 2. Council approve carry-overs of unspent project funds up to the maximum amounts reflected in the table in Attachment One.**
- 3. Council approve the adjustments to the 2020-21 budget as listed in Attachment Two required to account for the carrying overs of these projects.**
- 4. Council approve the adjustments to the 2021-22 budget as listed in Attachment Three required to:**
 - (a) Incorporate the carried over projects into the budget**
 - (b) Account for changes to employee costs since the adoption of the budget**
 - (c) Account for the outcomes of a review of the internal plant hire charges**

CARRIED**15.7 MONTHLY FINANCIAL REPORT****RESOLUTION 2021/382****Moved: Cr Alfie Walker****Seconded: Cr Sam Rowland**

That the report by the Director Corporate & Community Services and the Business Manager Finance & Customer Service on the Monthly Financial Report be received and noted for information.

CARRIED

15.8 STATEMENT OF INVESTMENTS & BANK BALANCES

RESOLUTION 2021/383

**Moved: Cr Peter Walker
Seconded: Cr Margaret O'Neill**

That the report by the Director Corporate & Community Services and the Business Manager Finance & Customer Service on the Statement of Investments and Bank Balances be received.

CARRIED

15.9 REUSE SCHEME GOULBURN - JULY 2021 STATUS REPORT

RESOLUTION 2021/384

**Moved: Cr Sam Rowland
Seconded: Cr Alfie Walker**

That the report from the Business Manager Infrastructure on the Reuse Scheme Goulburn status update be received.

CARRIED

15.10 GOULBURN AQUATIC CENTRE REDEVELOPMENT STAGE 1 CONSTRUCTION - JULY 2021 STATUS REPORT

RESOLUTION 2021/385

**Moved: Cr Margaret O'Neill
Seconded: Cr Alfie Walker**

That the report from the Director of Operations on the status of the Goulburn Aquatic Centre Redevelopment Stage 1 construction works be received.

CARRIED

15.11 GOULBURN PERFORMING ARTS CENTRE - JULY 2021 STATUS REPORT

RESOLUTION 2021/386

**Moved: Cr Alfie Walker
Seconded: Cr Leah Ferrara**

That the report from the Director of Operations on the status of the Goulburn Performing Arts Centre construction be received.

CARRIED

15.12 GOULBURN REGIONAL HOCKEY FACILITY - JULY 2021 STATUS REPORT

RESOLUTION 2021/387

**Moved: Cr Peter Walker
Seconded: Cr Andrew Banfield**

That the report from the Business Manager Projects on the status of the Goulburn Regional Hockey Facility be received.

CARRIED

15.13 NATURAL DISASTER ESSENTIAL PUBLIC ASSET RESTORATION PROJECT - JULY 2021 STATUS REPORT

RESOLUTION 2021/388

**Moved: Cr Alfie Walker
Seconded: Cr Andrew Banfield**

That the report on the status of the Natural Disaster Essential Public Asset Restoration Project from the Business Manager Projects be received.

CARRIED

15.14 CORPORATE & COMMUNITY SERVICES DIRECTORATE REPORT JULY 2021

RESOLUTION 2021/389

**Moved: Cr Andrew Banfield
Seconded: Cr Denzil Sturgiss**

That the activities report by the Director Corporate & Community Services be received and noted for information.

CARRIED

15.15 UTILITIES DIRECTORATE REPORT - JULY 2021

RESOLUTION 2021/390

**Moved: Cr Peter Walker
Seconded: Cr Sam Rowland**

That the report from the Director Utilities be received and noted for information.

CARRIED

15.16 OPERATIONS DIRECTORATE REPORT - JULY 2021

RESOLUTION 2021/391

**Moved: Cr Alfie Walker
Seconded: Cr Denzil Sturgiss**

That the activities report for July 2021 by the Director Operations be received and noted for information.

CARRIED

15.17 PLANNING & ENVIRONMENT DIRECTORATE REPORT JULY 2021

RESOLUTION 2021/392

**Moved: Cr Margaret O'Neill
Seconded: Cr Sam Rowland**

That the activities report by the Director Planning & Environment be received and noted for information.

CARRIED

15.18 GOULBURN MULWAREE YOUTH COUNCIL MEETING NOTES - 17 AUGUST 2021

RESOLUTION 2021/393

**Moved: Cr Carol James
Seconded: Cr Alfie Walker**

That the report from Cr Carol James in relation to the Goulburn Mulwaree Youth Council Meeting Notes held on the 30th July 2021

CARRIED

16 CLOSED SESSION

Council must resolve to move into Closed Session to deal with any items under s10 *Local Government Act 1993*.

There were no closed session reports for determination.

17 CONCLUSION OF THE MEETING

The Meeting closed at 7.22pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 7 September 2021.

.....
**Cr Bob Kirk
Mayor**

.....
**Warwick Bennett
General Manager**

11 MATTERS ARISING

11.1 MATTERS ARISING FROM COUNCIL MEETINGS MINUTES FROM THE 17 & 24 AUGUST 2021

Author: General Manager

Authoriser: Warwick Bennett, General Manager

Attachments: Nil

11.2 OUTSTANDING TASK LIST FROM ALL PREVIOUS MEETINGS

Author: General Manager

Authoriser: Warwick Bennett, General Manager

Attachments: 1. Task List - 7 September 2021 [↓](#) 

RECOMMENDATION

That Council notes the Task List and authorises the deletion of completed tasks.

REPORT

Please find attached the Task List for matters resolved at previous Council meetings that are still currently under action.

OUTSTANDING TASK LIST



Item/Task	Responsible Officer	Status
<u>Community Centre Options</u> Location of Community Centre deferred 18 months	General Manager	Will be referred to the incoming Council
<u>Review of Heavy Haulage routes in the Goulburn Mulwaree area</u> A structural assessment is carried out on bridge and drainage structures on Currawang Road, Taralga Road, and Cullerin Road as part of the 2021/222 budget with the outcome reported back to Council on the suitability of these road as future B-Double routes.	Director Operations	Assessment being undertaken. Report will be presented to Council once consultant has completed their work – likely towards the end of 2021.
<u>Planning Proposal –</u> Amendments to exempt development within Schedule 2 of the LEP and to the Goulburn Mulwaree DCP for private events	Director Planning & Environment	On Public Exhibition from 16 August 2021 until 17 September 2021.
<u>Goulburn Mulwaree Award</u> Establish Working Party after Council elections	General Manager	Advertisement seeking EOI for the Working Party has commenced
<u>Future of 2 Bourke Street</u> Discussion to be held with Councillors at Briefing	General Manager	Additional report to be presented to Council Briefing
<u>Second access to Run-O-Waters</u> Council discuss at the Council Briefing the future road link from Run-O-Waters to Gurrundah Road on to Middle Arm Road with potential access to the Hume Highway	General Manager	Report on future infrastructure requirements being prepared
<u>Marsden Weir Park – Plan of Management</u>	Director of Corporate and Community Services	Public exhibition extended for discussions with Pejar Land Council. Report to Council in near future
<u>Draft Vegetation Removal Offset Policy</u> To be placed on public exhibition	Director Planning & Environment	Report included in this Business Paper RECOMMEND COMPLETION
<u>St John's Orphanage - 52 Mundy Street, Goulburn</u> Report from General Manager on future of main building	Director Planning & Environment	Orders issued for site security and demolition of Buildings B, C & D. Letter sent to owner in relation to Building A.
<u>Urban and Fringe Housing Strategy - (Northern Sooley Precinct Reconsideration Request for DPIE Endorsement</u>	Director Planning & Environment	Request for re-consideration of DPIE endorsement has been forwarded to DPIE for action



OUTSTANDING TASK LIST

Item/Task	Responsible Officer	Status
<u>Planning Proposal to Rezone Land at the Teneriffe Residential Subdivision, Marys Mount Road, Goulburn</u>	Director Planning & Environment	A draft Planning proposal has been prepared and sent to WaterNSW for preliminary feedback prior to Gateway.
<u>Zoning & Minimum Lot Size Anomaly - 100 Cathcart Street, Goulburn</u>	Director Planning & Environment	Currently being processed in consultation with DPIE
<u>Zoning Anomaly at Mogo Road, Oallen</u> Lot 862 DP 1045802 from part E3 Environmental Management and part E1 National Park and Nature Reserves to E3 Environmental Management	Director Planning & Environment	Currently being processed in consultation with DPIE
<u>2021T0023 - Roundabout Construction and Road Upgrade Works at Sydney Road and Common Street</u>	Director Operations	Discussions underway with tenderers
<u>MultiQuip Haulage Route Status Update and Subsequent Recommendation</u>	General Manager	Negotiations underway with MultiQuip

12 MAYORAL MINUTE(S)

Nil

13 NOTICE OF MOTION(S)

Nil

14 NOTICE OF RESCISSION(S)

Nil

15 REPORTS TO COUNCIL FOR DETERMINATION

15.1 RETURNING OFFICER

Author: General Manager
Authoriser: Warwick Bennett, General Manager
Attachments: Nil

Link to Community Strategic Plan:	Civic Leadership
Cost to Council:	Nil
Use of Reserve Funds:	Nil

RECOMMENDATION
 That the report of the General Manager on the Returning Officer for the Deputy Mayor Elections be received.

BACKGROUND

The purpose of this report is to advise Council that the General Manager will be the Returning Officer for the Deputy Mayor elections.

REPORT

The Local Government Act appoints the General Manager or the person appointed by the General Manager to be the Returning Officer.

Local Government (General) Regulation 2005

Cl 394 Election of mayors by councillors

If a mayor or deputy mayor is to be elected by the councillors of an area, the election is to be in accordance with Schedule 7.

Schedule 7 – Election of mayor by councillors (Clause 394)

Part 1 - Preliminary

1 Returning officer

The general manager (or a person appointed by the general manager) is the returning officer.

2 Nomination

(1) A councillor may be nominated without notice for election as mayor or deputy mayor.

(2) The nomination is to be made in writing by 2 or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.

(3) The nomination is to be delivered or sent to the returning officer.

(4) The returning officer is to announce the names of the nominees at the council meeting at which the election is to be held.

3

Election

- (1) *If only one councillor is nominated, that councillor is elected.*
- (2) *If more than one councillor is nominated, the council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.*
- (3) *The election is to be held at the council meeting at which the council resolves on the method of voting.*
- (4) *In this clause:
"ballot" has its normal meaning of secret ballot.
"open voting" means voting by a show of hands or similar means.*

This report is to advise that the General Manager will act as the Returning Officer for the Deputy Mayor elections.

15.2 DEPUTY MAYORAL ELECTION

Author: General Manager
Authoriser: Warwick Bennett, General Manager
Attachments: Nil

Link to Community Strategic Plan:	Civic Leadership
Cost to Council:	Nil – the deputy Mayor receives the same allowance as Councillors
Use of Reserve Funds:	Nil

RECOMMENDATION

That

1. The report of the General Manager on the election of the Deputy Mayor be received
2. Following the close of nominations for the position of Deputy Mayor the method of electing the Deputy Mayor for the period until 3rd December 2021 shall be determined from one of the following options in accordance with Schedule 7 Local Government (General) Regulation 2005 (delete two) if more than one nomination is received:
 - (a) Preferential Ballot or
 - (b) Ordinary Ballot or
 - (c) Open Voting

BACKGROUND

The purpose of this report is to elect a Deputy Mayor from 7 September 2021 to 3 December 2021 term.

REPORT

The State Government has postponed the local government elections until the 4th December 2021. In September 2020 Council appointed the Deputy Mayor until September 2021. If Council wishes a Deputy Mayor until the local government elections in December 2021 then an election must be held.

Council may elect a Deputy Mayor to cover this shorten term from September 2021 until 3rd December 2021.

Section 231 *Local Government Act 1993* provides that Councillors may elect a person from among their number to be the Deputy Mayor. The Councillor may be elected as Deputy Mayor for the Mayoral term or a shorter period. Council does have the option of electing the Deputy Mayor for this shorten term or of course not appointing a Deputy Mayor at all.

The Deputy Mayor may exercise any function of the Mayor at the request of the Mayor or if the Mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the Mayor.

Section 249(5) *Local Government Act 1993* allows a Council to pay the Deputy Mayor a fee for such time in which the Deputy Mayor acts in the position of Mayor. The amount paid to the Deputy Mayor must be subtracted from the Mayor’s annual fee.

Nomination papers for the election of Deputy Mayor for the September 2021 to 3 December 2021 term have been circulated to all Councillors.

In accordance with Clause 1 Schedule 7 *Local Government (General) Regulation 2005*, the General Manager is the Returning Officer.

Nominations will be accepted by the Returning Officer until the time the matter is before Council at its meeting on 7 September 2021 and the Returning Officer declares nominations to have closed.

Nominations for the election of Deputy Mayor shall be in writing, but may be without notice, by two (2) or more Councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.

The nomination is to be delivered or sent to the Returning Officer who is to announce the names of the nominees at the Council Meeting at which the election is to be held.

If only one candidate is nominated, that Councillor is elected.

When more than one candidate is nominated, the Council may, by resolution, decide whether the election shall be carried out by:

- a) Ordinary Ballot - Involving the marking of Ballot Papers - subsequent exclusion of one candidate; further voting and exclusions; repeated until two candidates only remain, final vote between remaining two candidates.
- b) Open Voting - Procedure identical to Ordinary Ballot, however, the voting is by show of hands or similar means, not a Ballot Paper.
- c) Preferential Ballot - The complete numbering of Ballot Papers in consecutive order of preference for all candidates, commencing with "1" as first preference.

Drawing of lots may become necessary, it shall be done by the Returning Officer.

15.3 COMMITTEE APPOINTMENTS

Author: General Manager
Authoriser: Warwick Bennett, General Manager
Attachments: Nil

Link to Community Strategic Plan:	Civic Leadership
Cost to Council:	Costs of committees are funded from Council operating budget
Use of Reserve Funds:	Nil

RECOMMENDATION

That

1. The report of the General Manager on the appointment of Councillors to Committees be received
2. Council determines the following appointment to the Committees for the remainder of this term of Council:-

Name of Committee	Council Representative
Sports Council	Cr O'Neill Cr Rowland
Recreation Area Committee	Cr O'Neill Cr Sturgiss Cr P Walker
Traffic Committee	Cr Banfield Cr P Walker
Sporting Hall of fame	Cr O'Neill Cr Rowland
Ray Harvey Sports Foundation Committee	Cr O'Neill Cr P Walker

BACKGROUND

The purpose of this report is to appoint Councillors to the Committees

REPORT

As Council is aware the State Government have extended this term of Council by a further 3 months with the elections now programmed for the 4th December 2021

This report is recommending that the membership of the Committees be endorsed for the remainder of this term of Council. By using this terminology – that is extension for this term of Council - it will allow these committee membership to stay in place in case of any future deferral of Council elections which is currently being discussed within the sector

. These committees are as follows:-

Name of Committee	Role	Current Appointments
Sports Council	To ensure fairness and equity of sports users in the region.	Cr O'Neill Cr Rowland
Recreation Area Committee	To make and direct policy for the management of the Recreation area and to act as a consultative forum for users.	Cr O'Neill Cr Sturgiss Cr P Walker
Traffic Committee	To make recommendations to Council on traffic management issues.	Cr Banfield Cr P Walker
Sporting Hall of Fame	To manage Council's Sporting Hall of Fame function	Cr O'Neill Cr Rowland
Ray Harvey Sports Foundation Committee	To allocate funds to young sports people in our region	Cr O'Neill Cr P Walker

15.4 WORKING PARTY MEMBERSHIP

Author: General Manager
Authoriser: Warwick Bennett, General Manager
Attachments: Nil

Link to Community Strategic Plan:	Civic Leadership
Cost to Council:	Costs of Working Parties are funded from Council operating budget
Use of Reserve Funds:	Nil

RECOMMENDATION

That:

1. The report of the General Manager on the Councillor membership for working parties be received.
2. Council determines the following appointment to the Working Party's for the remainder of this term of Council:-

General Managers Performance Review	Mayor Deputy Mayor Cr O'Neill Cr Rowland
Flood Management Study	Cr Rowland
Sustainability Working Party	Cr Rowland
Bungonia Village Discretionary Fund Working Party	Cr Ferrara Mayor (alternate)
Tarago Village Discretionary Fund Working Party	Cr Sturgiss Mayor (alternate)
Marulan Village Discretionary Fund Working Party	Cr Peter Walker Mayor (alternate)
Parkesbourne Village Discretionary Fund Working Party	Cr James Mayor (alternate)
Towrang Village Discretionary Fund Working Party	Cr Banfield Mayor (alternate)

BACKGROUND

The purpose of this report is to determine the Council representatives on the Working Parties.

REPORT

As Council is aware the State Government have extended this term of Council with the elections now planned for the 4th December 2021.

This report is recommending that the membership of the working parties be endorsed for the remainder of this term of Council. By using this terminology – that is extension for this term of Council - it will allow these committee membership to stay in place in case of any future deferral of Council elections which is currently being discussed within the sector

There is one new working party being the Sustainability Working Party which was determined by Council at its meeting on the 3rd August 2021

The following is a list of those working parties with the current Council representative shown.

Name of Working Party	Summary of Brief	Current Council Representative
General Managers Performance Review	To review the performance of the General Manager in accordance with the performance agreement	Mayor Deputy Mayor Cr O’Neill Cr Rowland
Flood Management Study	To act as both the focus and forum for discussion on flood related technical, social, economic, environmental and cultural issues.	Cr Rowland
Sustainability Working Party	To discuss climate change and biodiversity loss locally. To develop strategies and options to address these issues at the local level. To develop achievable, affordable and practical option that can be implemented in our community to start to address these issues	Cr Rowland
Goulburn Street Tree	The working party to: 1) review the species, location and condition of all trees in the streets of Goulburn, 2) Develop and recommend strategies for the future management of street tree plantings and replacements in the streets of Goulburn.	This Working Party has completed their brief – we now employed specialist staff to implement working party findings Recommended – not to continue with this working party
Victoria Park Precinct	To develop the Plan of Management for the Victoria Park precinct and to recommend to Council the most effective overall usage of Victoria Park that meets	This working party has completed its brief and have not met for some time Recommended – not to continue

	Goulburn community's expectations	with this working party
Fishing Working Party	The purpose of this working party is to develop a strategy for recreational fishing options for the Wollondilly River and Pejar Dam.	This working party has completed its brief and have not met for some time Recommended – not to continue with this working party
Bungonia Village Discretionary Fund Working Party	To work with the Bungonia community to distribute the discretionary fund and promote other community issues to Council	Cr Ferrara Mayor (Alternate)
Tarago Village Discretionary Fund Working Party	To work with the Tarago community to prioritise the projects in the Village Plan, distribute the discretionary funds and promote other community issues to Council	Cr Sturgiss Mayor (Alternate)
Marulan Village Discretionary Fund Working Party	To work with the Marulan community to prioritise the projects in the Village Plan, distribute the discretionary funds and promote other community issues to Council	Cr Peter Walker Mayor (alternate)
Parkesbourne Village Discretionary Fund Working Party	To work with the Parkesbourne community to distribute the discretionary fund and promote other community issues to Council	Cr James Mayor (alternate)
Towrang Village Discretionary Fund Working Party	To work with the Towrang community to distribute the discretionary fund and promote other community issues to Council	Cr Banfield Mayor (alternate)

15.5 EXTERNAL COMMITTEE APPOINTMENTS

Author: General Manager

Authoriser: Warwick Bennett, General Manager

Attachments: Nil

Link to Community Strategic Plan:	Civic Leadership
Cost to Council:	Nil
Use of Reserve Funds:	Nil

RECOMMENDATION

That:

- The report of the General Manager on appointments to external Committees be received.
- Council determines the following appointment to the External Committees for the remainder of this term of Council:-

Committee Name	Council Delegates
Ardmore Park Community Consultative Committee	Director Planning & Environment
Canberra Regional Joint Organisation*	Mayor General Manager
ClubGRANTS	Mayor Cr O'Neill Cr James Cr P Walker
Corrective Services Community Consultative Committee*	Mayor
Country Mayors Association*	Mayor
Goulburn Liquor Accord*	Cr Peter Walker
Gullen Range Wind Farm Community Fund S355 Community Committee	Director Planning & Environment
Gunlake Community Consultative Committee	Director Planning & Environment
Heron Resources Pty Limited Woodlawn Project Consultative Committee	Cr P Walker
Joint Regional Planning Panel	Cr O'Neill
Local Emergency Management	Cr Peter Walker Director Operations
Lynwood Consultative Committee	General Manager

Marulan Hall	Cr Banfield Cr O'Neill
Pepper Tree Community Consultative Committee	Director Planning & Environment or Nominee
South East Australian Transport Strategy (SEATS)	Cr Peter Walker Cr Sturgiss (Alternate)
Southern Tablelands Zone Bush Fire Management Committee	Director of Operation or Nominee
Southern Tablelands/South Coast Region Noxious Plants Committee	Director Planning & Environment or nominee
Veolia Mulwaree Trust*	Mayor
Veolia Woodlawn Bioreactor Community Liaison / Tarago Consultative Committee	Cr Sturgiss

BACKGROUND

The purpose of this report is to provide an opportunity for Council to review its participation in other organisations and, if necessary, appoint Councillors or Senior Staff as delegates.

REPORT

As Council is aware the State Government have extended this term until December

This report is recommending that the membership of the existing Committees be determined until the end of this current term and that the newly elected Council makes its own appointments. There are some minor changes discussed in the table below

The following table lists the recommended Council representatives on various external Committees and organisations with frequency of meetings.

Committee Name	Current Council Delegates	Frequency
Ardmore Park Community Consultative Committee	Director Planning and Environment	Twice a year
Canberra Regional Joint Organisation	Mayor General Manager	As required
ClubGRANTS	Mayor Cr O'Neill Cr James Cr P Walker	Annually
Corrective Services Community Consultative Committee	Mayor	As required
Country Mayors Association	Mayor	Quarterly
Goulburn Liquor Accord	Cr P Walker	Quarterly 2nd Tuesday
Gullen Range Wind Farm Community Fund S355 Community Committee	Director Planning & Environment	As required

Committee Name	Current Council Delegates	Frequency
Gunlake Community Consultative Committee	Director Planning & Environment	Every 2-3 months
Heron Resources Pty Limited Woodlawn Project Consultative Committee	Cr P Walker	Quarterly
Joint Regional Planning Panel	Cr O'Neill	As required
Local Emergency Management	Matt O'Rourke Cr P Walker	Monthly
Lynwood Consultative Committee	Cr A Walker has advised that he wishes to resign from this committee. The General Manager attends and thus recommendation to leave General Manager until new Council determines otherwise. There are no issues arising from this committee	Quarterly
Marulan Hall	Cr Banfield Cr O'Neill	As required
Pepper Tree Community Consultative Committee	Cr Sturgiss has advised that he wishes to resign from this committee. The recommendation is to appoint the Director of Planning and Environment (or his nominee) until new Council determines otherwise. There are no issues arising from this committee	Every 2-3 months
South East Australian Transport Strategy (SEATS)	Cr P Walker Cr Sturgiss -Alternative	Quarterly
Southern Tablelands Zone Bush Fire Management Committee	Cr Sturgiss has advised that he wishes to resign from this committee. The recommendation is to appoint the Director of Operations (or his nominee) until new Council determines otherwise. There are no issues arising from this committee	Twice a year
Southern Tablelands/South Coast Region Noxious Plants Committee	Cr Sturgiss has advised that he wishes to resign from this committee. The recommendation is to appoint the Director of	Quarterly

Committee Name	Current Council Delegates	Frequency
	Planning and Environment (or his nominee) until new Council determines otherwise. There are no issues arising from this committee	
Veolia Mulwaree Trust	Mayor	Quarterly
Veolia Woodlawn Bioreactor Community Liaison / Tarago Consultative Committee	Cr Sturgiss	Quarterly
Wakefield Park Community Consultative Committee	Mayor Bob Kirk Director Planning & Environment	Now that this DA has been determined this Consultative Committee has been dis-banded

15.6 DA/0419/2021 - CONSTRUCTION OF SIX (6) ATTACHED TOWN HOUSES WITH SEVEN (7) LOT COMMUNITY TITLE SUBDIVISION AT 10 BEN BULLEN PLACE, GOULBURN

Author: Development Assessment Officer
 Director Planning & Environment

Authoriser: Warwick Bennett, General Manager

- Attachments:**
1. **Plans** [↓](#) 
 2. **Statement of Environmental Effects** [↓](#) 
 3. **Submissions** [↓](#) 
 4. **Applicant Response to Submissions** [↓](#) 

Reference to LSPS:	Planning Priority 4: Housing – Vision 2040 - A range and diversity in housing type, which is contextual and affordable and is primarily centred around Goulburn and Marulan.
DA Number:	DA/0419/2021
Address:	10 Ben Bullen Place, Goulburn (Lot 156 DP 248976)
Proposal Description:	Six (6) attached multi dwelling housing units (town houses with seven (7) Lot Community Title Subdivision
Type of Development:	Local
Zone:	R2 Low Density Residential
Variations to Policy:	Nil
Submissions:	Nine (9) Submissions
Key Issues:	Overshadowing, bulk and scale, traffic, stormwater

RECOMMENDATION

That:

1. The staff assessment report for development application DA/0419/2021 for the proposed six (6) attached multi dwelling housing units (town houses) with seven (7) Lot Community Title Subdivision be received.
2. Consent be granted for DA/0419/2021 for a six (6) attached multi dwelling housing units (town houses) with seven (7) Lot Community Title Subdivision located at 10 Ben Bullen Place, Goulburn subject to the following conditions.

SECTION A: GENERAL CONDITIONS

1. Approved Development and Use

Development consent has been granted in accordance with this Notice of Determination for the purposes of Construction of six (6) attached town houses with seven (7) lot community title subdivision and their subsequent seven Lot Community title subdivision under the *Goulburn Mulwaree Local Environmental Plan 2009*.

(Reason: *To confirm the components of the approval)*

2. Development in Accordance with Documentation

The development must only be carried out:

- a) in compliance with the conditions of this Notice of Determination; and
- b) in accordance with the approved plans and documentation listed in the table below.

Architectural plans prepared by Tim Lee Architects			
DRAWING NO.	REV	TITLE OF PLAN OR DOCUMENT	DATE
0220-1205 A-02	E	Site Plan	07/07/2021
0220-1205 A-03	E	Ground Floor Plan	07/07/2021
0220-1205 A-04	A	First floor Plan	08/02/2021
0220-1205 A-05	B	Detail Ground Floor Plan	10/03/2021
0220-1205 A-06	A	Detail First Floor Plan	08/02/2021
0220-1205 A-07	E	Elevations 1	07/07/2021
0220-1205 A-08	B	Elevations 2	10/03/2021
0220-1205 A-09	B	Detail Elevations	10/03/2021
0220-1205 A-10	E	Detail Elevation 2	07/07/2021
0220-1205 A-11	B	Sections	10/03/2021
0220-1205 A-12	E	Roof Plan	07/07/2021
0220-1205 A-13	E	Landscape Plan	07/07/2021
0220-1205 A-14	E	Window & Door Schedule Unit 1	07/07/2021
0220-1205 A-15	A	Window & Door Schedule Unit 2 & 3	07/07/2021
0220-1205 A-16	A	Window & Door Schedule Unit 4 & 5	08/02/2021
0220-1205 A-17	A	Window & Door Schedule Unit 6	08/02/2021
0220-1205 A-18	A	Cut and Fill Plan	08/02/2021
0220-1205 A-19	A	Erosion Control Notes & Plan	08/02/2021
0220-1205 A-20	D	Shadow Diagrams	02/07/2021
0220-1205 A-21	D	Shadow Diagrams	02/07/2021
0220-1205 A-22	D	Shadow Diagrams	02/07/2021
0220-1205 A-23	D	Shadow Diagrams	02/07/2021
0220-1205 A-24	D	Shadow Diagrams	02/07/2021
0220-1205 A-25	E	Street Elevation	07/07/2021
0220-1205 A-26	B	Site context plan	10/03/2021
0220-1205 A-27	C	Proposed subdivision plan	03/05/2021
Documentation prepared by ACT Sustainable Systems			
DOCUMENT REF.	REV	TITLE OF PLAN OR DOCUMENT	DATE
1171892M	-	Basix Certificate (Multi Dwelling)	09 February 2021
SKW5OUB4V2	-	NatHERS Certificate Unit 6	25 Jan 2021
2JZIGG6Y5A	-	NatHERS Certificate Unit 5	25 Jan 2021
NBSKD3NK0H	-	NatHERS Certificate Unit 4	25 Jan 2021
3JLTAM1H8M	-	NatHERS Certificate Unit 3	25 Jan 2021
D1GGJTKGOR	-	NatHERS Certificate Unit 2	25 Jan 2021
UNIZSETOT6	-	NatHERS Certificate Unit 1	25 Jan 2021
Documentation prepared by Adams & Associates			
DOCUMENT REF.	REV	TITLE OF PLAN OR DOCUMENT	DATE
WCMS	-	Water Cycle Management Study	Undated

(Reason: *To ensure that the development is undertaken in accordance with the submitted plans and documents as amended)*

3. Documentation Inconsistency

In the event of any inconsistency between the conditions of this Notice of Determination, the drawings and any accompanying documentation referred to above, the conditions of this Notice of Determination prevail, to the extent of the inconsistency.

(Reason: *To ensure that the development is undertaken in accordance with the submitted plans and documents as amended)*

4. Documentation to be Kept on Site

At all times, a complete set of all endorsed plans, specifications and any other documentation referenced by this Notice of Determination must be kept on 'site' and be readily available for perusal by any officer of 'Council' or the 'Principal Certifier' upon their request.

(Reason: *To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information and to ensure ongoing compliance)*

5. Changes to the lot layout - WaterNSW

The lot layout and works of the proposed dwelling construction and community title subdivision shall generally be as specified in the Statement of Environmental Effects (dated February 2021) and shown on the Site Plan (Job Number. 0220-1205; DWG. A-02; Amendment E; dated 07/07/2021) and Proposed Subdivision Plan (Job Number. 0220-1205; DWG. A-27; Amendment C; dated 03/05/2021) all prepared by Tim Lee Architects. No revisions to layout, works or staging of the subdivision that will have any impact on water quality, shall be permitted without the agreement of Water NSW.

(Reason: *Water NSW has based its assessment under State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 on this version of the development and community title subdivision.)*

SECTION B: PRESCRIBED CONDITIONS IMPOSED UNDER EP&A ACT, THE REGULATION, AND OTHER RELEVANT LEGISLATION

6. Building Code of Australia Compliance

All building work must be carried out in accordance with the provisions of the National Construction Code Series.

(Reason: *Prescribed by cl. 98 of 'the Regulation')*

7. Home Building Act Requirements

Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the 'Principal Certifier' for the development to which the work relates (not being 'Council') has given 'Council' written notice of the following information:

- a) in the case of work for which a 'Principal Contractor' is required to be appointed:
 - i. the name and licence number of the 'Principal Contractor'; and
 - ii. the name of the insurer by which the work is insured under Part 6 of that Act, or
- b) in the case of work to be done by an owner-builder:
 - i. the name of the owner-builder; and
 - ii. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing residential building work are changed while the work is in progress so that the information submitted to 'Council' in accordance with this conditions is out of date, work must not be carried out unless the 'Principal Certifier' for the development to which the work relates has given 'Council' written notice of the updated information.

Note: *A certificate of insurance that complies with the Home Building Act 1989 is in force in relation to that work in the name under which the person contracted to do the work is to be provided in relation to part 1a(ii).*

(Reason: *Prescribed by cl. 98B of 'the Regulation')*

8. Construction Certificate Requirements

Building work, demolition or excavation in accordance with the Notice of Determination must not be commenced until a Construction Certificate required by s.6.3 of 'the Act' for the relevant part of the works has been issued in accordance with the provisions of 'the Act' and 'the Regulation'.

(Reason: *Statutory; To ensure appropriate safeguarding measures are in place prior to the commencement of any building work, demolition or excavation)*

9. Issue of a Construction Certificate

In accordance with cl.145 of the *Environmental Planning and Assessment Regulation 2000*, the plans and specifications submitted with a Construction Certificate must not be inconsistent with this Notice of Determination.

(Reason: *Prescribed by legislation)*

10. Occupation Certificate Requirements

A person must not commence occupation or use of the whole or any part of a new building (new building includes an altered portion of, or an extension to, an existing building) unless an Occupation Certificate required by s.6.3 of **'the Act'** for the relevant part of the works has been issued in accordance with the provisions of **'the Act'** and **'the Regulation'**.

(Reason: Prescribed by legislation)

11. Critical Stage Inspections

Building work must be inspected by the **'Principal Certifier'** at the critical stage occasions prescribed by **'the Act'**, **'the Regulation'** and as directed by the appointed **'Principal Certifier'**.

Critical stage inspections are defined as: -

- a) after excavation for, and prior to the placement of any footings; and
- b) prior to pouring any in-situ reinforced concrete building element; and
- c) prior to covering of the framework for any floor, wall, roof or other building element; and
- d) prior to covering waterproofing in any wet areas; and
- e) prior to covering any stormwater drainage connections; and
- f) after the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

(Reason: Prescribed by legislation)

SECTION C: TO THE SATISFACTION OF COUNCIL PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

12. Building within vicinity of Water Main

Where a structure is to be constructed within the zone of influence of the water main, the weight of the building must be distributed away from the sewer main by pier and beam construction. The piers must be designed by a suitably qualified experienced professional Engineer and must be embedded on firm foundation at least 300mm below the zone of influence.

Notwithstanding the above, a building must not be erected within 1.2m of the outside edge of a water manhole and unobstructed personal access of minimum width of 900mm must be provided to any manhole located upon private property.

Plans and calculations demonstrating compliance with this condition must be submitted to **'Council'** as the Sewer and Water Authority for approval, prior to the issue of any Construction Certificate.

(Reason: To protect public infrastructure)

13. Foundations Adjacent to water and Drainage Easements

The foundations for structures adjacent to a water and/or stormwater drainage easement must be constructed in such a manner that does not affect the integrity of the water main and stormwater drainage lines. Location of foundations must be in accordance with **'Council'** policy for *Clearance and Easement Requirements for Structures Adjacent to Sewer and Stormwater Mains*. Details demonstrating compliance with this condition must be submitted to, and approved by, **'Council'** as the Sewer and Water Authority prior to the issue of any Construction Certificate.

(Reason: To allow maintenance to vital infrastructure without affecting the integrity of the adjacent structure and public assets)

14. s.306 Compliance Certificate

A s.306 Certificate of Compliance under Division 5 of Part 2 of Chapter 6 of the *Water Management Act 2000* must be obtained from **'Council'** as the sewer and water authority prior to the issue of any Construction Certificate.

Note: s.64 of the *Local Government Act 1993* authorises **'Council'** to issue Certificates of Compliance under s.306 of the *Water Management Act 2000* and to impose pre-conditions to the issuing of Certificates of Compliance.

To obtain a s.306, a s.305 application must be lodged with **'Council'**.

(Reason: To retain a level of service for the existing population and to provide the same level of service to the population resulting from new developments)

15. Damage to Public Infrastructure

A dilapidation survey and report (including photographic record) must be prepared by a suitably qualified consultant/person which details the pre-developed condition of the existing public infrastructure in the vicinity of the development **'site'**. Attention must be paid to accurately recording any pre-development damage so that

'Council' is informed when assessing any future damage to public infrastructure caused as a result of the development. The dilapidation survey and report must be submitted to, and approved in writing by **'Council'** prior to the issue of any Construction Certificate.

The person entitled to act upon this Notice of Determination will be held liable for all damage to public infrastructure in the vicinity of the development **'site'** where such damage is not accurately recorded and demonstrated as pre-existing under documentation provided by this condition.

Note: Vicinity is defined as all public infrastructure immediately adjacent to the **'site'** (full road reserve width) and to a distance of 50m beyond the **'site'** boundaries.

(Reason: To record the condition of public infrastructure prior to the commencement of construction to the consent authority's satisfaction)

SECTION D: SUBSIDIARY MATTERS TO BE COMPLETED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

16. Long Service Levy Payments

The payment of a long service levy as required under Part 5 of the *Building and Construction Industry Long Service Payments Act 1986*, is required, proof that the levy has been paid, is to be submitted to **'Council'** prior to the issue of any Construction Certificate. **'Council'** acts as an agent for the Long Services Payment Corporation and the levy may be paid at **'Council'** office.

(Reason: Statutory requirement)

17. Constructional Environmental Management Plan

A Construction Environmental Management Plan must be prepared and submitted to, and approved in writing by **'Certifier'** prior to the issue of any Construction Certificate. The plan must include, but not be limited to, the following: -

- a) Details of:
 - i. 24-hour contact details of site manager
 - ii. the proposed phases of construction **'works'** on the **'site'**, and the expected duration of each construction phase;
 - iii. the proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process;
 - iv. the proposed areas within the **'site'** to be used for the storage of excavated materials, construction materials and waste containers during the construction period;
- b) Construction Soil and Water Management Sub-Plan; and
- c) Unexpected Contamination Procedure Sub-Plan.

All **'works'** must be undertaken in accordance with the approved Construction Environmental Management Plan and any conditions attached to the approved plan. A copy of the approved Construction Environmental Management Plan must be kept on the **'site'** at all times and made available to any officer of **'Council'** upon request.

(Reason: To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the construction process in a manner that respects adjoining owner's property rights and residential amenity in the locality, without unreasonable inconvenience to the community)

18. Construction Noise and Vibration Sub-Plan

The Construction Noise and Vibration Management Sub-Plan must be prepared and submitted to, and approved in writing by **'Certifier'** prior to the issue of any Construction Certificate. The plan must include, but not be limited to, the following: -

- a) be prepared by a suitably qualified and experienced noise expert(s);
- b) describe procedures for achieving the noise management levels in EPA's Interim construction Noise Guideline;
- c) describe the measures to be implemented to manage high noise generating activities such as piling, jack hammering etc., in close proximity to sensitive noise receivers;
- d) include strategies that have been developed with the community for managing high noise generating activities;
- e) describe the community consultation undertaken to develop the strategies to be employed; and
- f) include a complaints management system that would be implemented for the duration of the **'works'**;

(Reason: *To ensure the development is undertaken in a manner that does not unreasonable inconvenience to the community)*

19. Construction Soil and Water Management Sub Plan

The Construction Soil and Water Management Sub-Plan must be prepared and submitted to, and approved in writing by **'Certifier'** prior to the issue of any Construction Certificate. The plan must include, but not be limited to, the following: -

- a) be prepared by a suitably qualified and experienced person(s);
- b) be undertaken in consultation with Water NSW and **'Council'**;
- c) describe all erosion and sediment controls to be implemented during the works;
- d) provide plans and details of how the works will be managed in wet weather (i.e. storage of equipment, stabilisation of the site, inundation threats);
- e) the proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles must be directed to the sediment control system within the **'site'**;
- f) details all off site flows from the site and how they will be managed;
- g) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events including, but not limited to 1 in 1-year ARI, 1 in 5-year ARI and 1 in 100-year ARI;
- h) demonstrate how compliance with Water NSW conditions will be addressed and maintained.
- i) include a program to monitor and review the effectiveness of the soil and water management measures required by this condition;

(Reason: *To ensure the development is undertaken in a responsible manner that minimises the use of raw materials)*

20. Vehicular Access Way Design - Residential

The person having the benefit of this Notice of Determination must design the sealed residential vehicular access way in compliance with the following: -

- a) the sealed vehicular access way must be designed to ensure that vehicles entering the **'site'** will not scrape/strike the surface of the carriageway, layback or vehicular access way;
- b) the sealed vehicular access way must be designed in accordance with Council's Standard Drawings SD-R06, SD-R07 and AS.2890
- c) the width of the vehicular layback shall be 5.7 metres (including the wings);and
- d) a cross section along the centre-line of each access way to the building at a scale of 1:50 to be taken from the centre of the road and must include all changes of grade both existing and proposed.

Plans demonstrating compliance with the above must be submitted to, and approved by the **'Certifier'** prior to the release of any Construction Certificate.

(Reason: *To facilitate appropriate vehicular access to residential sites, without disruption to pedestrian and vehicular traffic)*

21. Off Street Car Parking

A total of 12 off-street car-parking spaces, together with the access driveways, must be constructed, paved, line marked and identified in accordance with the **'NCC'**, AS.1428 and AS/NZS.2890. The plans must nominate the allocation of parking spaces for specific purposes as required by the conditions of this Notice of Determination.

Detailed drawings prepared and certified by an appropriately qualified and practising Civil Engineer for the construction of these areas in accordance with this requirement must be submitted to, and approved by the **'Certifier'** prior to the issue of any Construction Certificate.

(Reason: *To ensure ongoing compliance with this development consent and Australian Standards relating to manoeuvring and access of vehicles)*

22. Accessible Car Parking Provisions

A minimum of **two (2)** of the onsite car parking spaces provided as part of the total requirement must be accessible spaces.

These spaces must be constructed, line marked and identified in accordance with the **'NCC'**, AS.1428 and AS/NZS.2890 - Parking Facilities; Off-street parking for people with disabilities.

Detailed plans demonstrating compliance with this condition must be submitted to, and approved by the **'Certifier'** prior to the issue of a Construction Certificate.

(Reason: *To ensure equity of access and appropriate facilities are available for people with disabilities in accordance with Federal legislation)*

23. Landscape Plan

A landscape plan prepared by a suitably qualified professional to a scale of 1:100 or 1:200, with details at 1:20 & 1:50 conforming to all relevant conditions contained within this Notice of Determination and include the following information where required: -

- a) location of all existing and proposed landscape features including materials to be used;
- b) delineate and identify all trees to be retained, removed or transplanted;
- c) Include the location of six (6) new street trees within the road reserve, species are to be suited to the Goulburn climate and with a minimum plant out height of 1.5m;
- d) top and bottom wall levels for both existing and proposed retaining and free-standing walls;
- e) detailed plant schedule which includes appropriate proposed species listed by botanical (genus and species) and common names, quantities of each species, pot sizes and the estimated size at maturity;
- f) trees to be removed are required to be replaced with trees of similar final mature height;
- g) soil treatment prior to planting out, and
- h) minimum twenty-four (24) month fertilizing and water maintenance and replacement schedule.

Consideration within the design must be given to the scale of planting in proportion to the proposed development, consistency with the existing landscape character of the area, potential views, solar access and privacy for neighbouring development.

Plans demonstrating compliance with the above must be submitted to, and approved by the **'Certifier'** prior to the release of any Construction Certificate.

Note: *Appropriate plant species for the Goulburn Mulwaree region are set out within the 'GM DCP 2009'*

(Reason: *To ensure appropriate landscaping treatments are applied to facilitate amenity)*

24. s.7.12 Contributions

Under s.7.12 of **'the Act'** **'Council'** has determined that development contributions are applicable to this development, as the development is likely to require the provision of, or increase the demand for, public amenities and public services within the Goulburn Mulwaree local government area.

The following Goulburn Mulwaree Council developer contributions plans are applicable to the development:

- Section 94a Contribution Plan

The contributions in accordance with **'Council's'** Fees and Charges at the time of payment must be paid prior to the issue of any Construction Certificate.

The level of contributions is calculated on the cost of carrying out the works and in accordance with cl.25I of **'the Regulation'** and **'Council's'** contribution plans at the time of payment.

A cost summary report must be completed for works under \$200,000. Where the value of the work exceeds \$200,000 the cost shall be certified by a registered Quantity Surveyor or an equivalent or acceptable alternative agreed to by Council.

Where staging of the **'works'** occurs the value of the **'works'** for each stage is to be calculated as a cumulative total.

Documentation as issued by **'Council'** demonstrating that the contribution has been paid must be submitted to, and approved by the **'Certifier'** prior to the issue of a Construction Certificate.

Note: *Copies of the Contributions Plans are available from 'Council' or alternatively, they can be downloaded from 'Council's' website.*

Payment is to be accompanied by the attached sheet entitled "Summary of Charges". If payment is by personal or company cheque the plans subject to this approval will not be available for collection until such time as the cheque has been honoured (i.e. a minimum of 10 days).

(Reason: *To retain a level of service for the existing population and to provide the same level of service to the population resulting from new development)*

25. Hydraulic Plans Stormwater

The following Hydraulic Engineering plans (coloured) and specifications must be prepared by a suitably qualified person, and be submitted to and approved by **'Certifier'** prior to issue of any Construction Certificate.

- a) the stormwater drainage and disposal system, including the layout of roof drainage / surface drainage / sub-surface drainage / raingardens; and

- b) the hydraulic design shall provide for compliance with-
 - i. Concurrence advice from Water NSW
 - ii. Goulburn Mulwaree Council's Development Control Plan 2009;
 - iii. Stormwater Drainage & Rainwater Collection Systems Policy;
 - iv. the BASIX certificate; and
 - v. the 88b Instrument.

Note: *Each dwelling must have its own separate stormwater service independent of any other dwelling.*

(Reason: *To ensure water and sewer reticulation are in accordance with 'Council's' standards)*

26. Potable Water Supply

Each dwelling must be provided with a dedicated potable water tank with a maximum storage capacity of 1,500 litres of water for domestic drinking water purposes only. The tank is to be configured to fill during the night periods from Council's water supply.

Documentation demonstrating compliance with the requirements of this condition must be submitted to, and approved by the '**Certifier**' prior to the issue of any Construction Certificate.

Note: *This is a separate tank to any required rainwater tank. Each required portable water outlet for the dwelling must be fed by this tank, no direct connection from the water main is permitted to any potable water outlet this must be demonstrated on the plans submitted for approval.*

(Reason: *To ensure adequate provisions are made for domestic water supply)*

27. Erosion and Sediment Control Plan

An Erosion and Sediment Control Plan incorporating the Erosion Control Notes (Job Number. 0220-1205; DWGs A-19; Amendment A; dated 08/02/2021) prepared by Tim Lee Architects, shall be prepared for all works required as part of the proposed development by a person with knowledge and experience in the preparation of such plans. The Plan shall:

- meet the requirements outlined in Chapter 2 of NSW Landcom's Soils and Construction: Managing Urban Stormwater (2004)
- be prepared prior to the issuance of a Construction Certificate and be to the satisfaction of Council, and
- include controls to prevent sediment or polluted water leaving the construction site or entering any natural drainage lines or stormwater drain.

(Reason: *To manage adverse environmental and water quality impacts during the construction phase of the development to minimise the risk of erosion, sedimentation, and pollution within or from the site during this phase.*

SECTION E: PRIOR TO THE COMMENCEMENT OF ANY DEMOLITION, BUILDING OR SUBDIVISION WORKS

28. Prior to Commencement

'Works' must not commence on '**site**' in connection with this Notice of Determination until:

- a) a Construction Certificate (where required) for the building work has been issued by:
 - i. the consent authority; or
 - ii. an '**Accredited Certifier**'; and
- b) the person having the benefit of the development consent has:
 - i. appointed a '**Principal Certifier**' for the building work, and
 - ii. notified the '**Principal Certifier**' that the person will carry out the building work as an owner-builder, if that is the case, and
- c) the '**Principal Certifier**' has, no later than two (2) days before the building work commences:
 - i. notified the '**Council**' of his or her appointment, and
 - ii. notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- d) the person having the benefit of this Notice of Determination, if not carrying out the work as an owner builder, has:
 - i. appointed a '**Principal Contractor**' for the building work who must be the holder of a contractor licence if any residential building work is involved, and
 - ii. notified the '**Principal Certifier**' of such appointment, and
 - iii. unless that person is the '**Principal Contractor**' notified the '**Principal Contractor**' of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and

- e) the person having the benefit of this Notice of Determination has given at least two (2) days' notice to the **'Council'** of the person's intention to commence building work.

Documentary evidence confirming the above statutory requirements have been satisfied must be submitted to **'Council'** not less than two (2) days before any commencement of **'works'**.

(Reason: *Statutory; to ensure appropriate safeguarding measures are in place prior to the commencement of any building work, demolition or excavation)*

29. Temporary Site Fences

A temporary timber hoarding or temporary construction **'site'** fence must be erected between the work **'site'** and adjoining lands before any commencement of works and must be maintained and be kept in place until after the completion of the works if the works:

- a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
- b) could cause damage to adjoining lands by falling objects, or
- c) involve the enclosure of a public place or part of a public place.

The installation is to be confirmed by the **'Principal Certifier'** prior to any further commencement of **'site'** **'works'**.

(Reason: *To ensure that the safety of the public is not compromised)*

30. Damage Bond General

A public infrastructure damage deposit of \$4,780 for a single Lot frontage must be paid to **'Council'**.

The damage bond will only be eligible for refund upon satisfactory completion of all **'works'** and following the issue of the final Occupation Certificate. All costs associated with any reinstatement works required to be carried out by **'Council'** to rectify any damage caused by the **'works'**, shall be deducted from the damage deposit.

Documentation demonstrating compliance with this condition must be submitted to, and approved by the **'Private Certifier'** prior works commencing on site.

Note: *A bond administration fees applies to the lodgement of this bond. Bond values and administration fees are calculated at time of actual lodgement in accordance with Council's adopted Fees and Charges and may differ from the above.*

*All required damage to Council property, however caused, by undertaking the **'works'** must be reinstated on a like for like basis and in accordance with **'Council's'** engineering standards prevailing at the time to the satisfaction of **'Council'** as the roads authority and prior to the issue of an Occupation Certificate.*

(Reason: *Protection of Council infrastructure and to ensure any damage to public infrastructure is rectified)*

31. Sediment and Erosion Control

The Erosion and Sediment Control Plan shall be implemented, and no works shall commence until effective erosion and sediment controls have been installed. The controls shall be regularly inspected, maintained and retained until works have been completed and groundcover established.

The installation is to be approved by the **'Principal Certifier'** prior to further commencement of **'site'** **'works'**.

(Reason: *To protect the environment from the effects of sedimentation and erosion from development sites)*

32. Stabilised Access

Unless an existing stabilised **'site'** access is utilised, stabilised access to the **'site'** consisting of at least 200mm of aggregate at 30–60mm in size, be a minimum of three (3)m in width and must be provided from the road edge to the front of the building being constructed. The stabilised access must be fully maintained and removed from the **'site'** when a permanent driveway has been constructed.

The installation is to be approved by the **'Principal Certifier'** prior to any further commencement of **'site'** **'works'**.

(Reason: *To protect the environment from the effects of sedimentation and erosion from development sites)*

33. Site Facilities

'Site' facilities must be provided as follow;

- a) if the development involves building work or demolition work the **'site'** must be fully enclosed by a temporary security fence (or hoarding) before **'works'** commence. Any such hoarding or fence is to be removed when the **'works'** have been completed;
- b) a minimum width of 1.5m must be provided between the **'site'** and the edge of the roadway so as to facilitate the safe movement of pedestrians. If trees are present in the footpath the minimum width must be provided to one side of the trees;
- c) a garbage receptacle fitted with a tight-fitting windproof lid for the reception of all putrescible and all waste capable of being windblown from the work **'site'** must be provided prior to **'works'** commencing and must be maintained and serviced for the duration of the **'works'**; and
- d) adequate toilet facilities must be provided on the work **'site'**. Each toilet provided must be a standard flushing toilet, connected to a public sewer, or if connection to a public sewer is not available, to an on-site effluent disposal system approved by the **'Council'**, or an approved temporary chemical closet. The provision of toilet facilities must be completed before any other **'works'** are commenced.

The installation of the site facilities must be approved by the **'Principal Certifier'** prior to any further commencement of **'site'** **'works'** and prior to the first inspection.

(Reason: *To ensure the health and safety of the community and workers on the site)*

34. Site Sign

A sign must be erected in a prominent position on any **'site'** on which work involved in the erection or demolition of a building is being carried out:

- a) stating that unauthorised entry to the **'site'** is prohibited;
- b) showing the name of the **'Principal Contractor'** (or person in charge of the **'site'**), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
- c) showing the name, address and telephone number of the **'Principal Certifier'** for the work.

Any such sign must be maintained while the **'works'** are being carried out and must be removed when the **'works'** have been completed.

The installation is to be approved by the **'Principal Certifier'** prior to any further commencement of **'site'** **'works'**.

(Reason: *Statutory requirement)*

SECTION F: CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION, BUILDING OR SUBDIVISION WORKS

35. Dust Emissions and Air Quality

Any person acting on this Notice of Determination must ensure that:-

- a) materials must not be burnt on the **'site'**;
- b) vehicles entering and leaving the **'site'** with soil or fill material must be covered;
- c) dust suppression measures as required must be carried out throughout the undertaking of the **'works'** to minimise wind-borne emissions;
- d) exposed surfaces and stockpiles are suppressed by regular watering or hydro mulching;
- e) odour suppression measures must be carried out where appropriate so as to prevent nuisance occurring at adjoining properties;
- f) public roads used by these trucks are kept clean; and
- g) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

(Reason: *To protect the environment and the amenity of the surrounding area)*

36. Use of Road Reserve

All **'works'**, processes, storage of materials, loading and unloading associated with the development must occur entirely within the property. Equipment must not be operated on the footpath or roadway, unless prior written approval has been obtained from **'Council'** as the Roads Authority.

Note: *Works and /or activities required to be undertaken within the road reserve are controlled through the issue of an approval/permit under s.138 Roads Act 1993.*

(Reason: *To ensure public safety and amenity on public land)*

37. Construction Hours

All **'works'** must be restricted to within the hours of 7.00 am to 6.00 pm Monday to Friday and on Saturday to within the hours of 8.00 am to 1.00 pm inclusive, with no work on Sundays and Public Holidays.

Demolition and excavation works must be restricted to within the hours of 8.00 am to 5.00 pm Monday to Friday only.

All builders, excavators must display, on-site, their twenty-four (24) hour contact telephone number, which is to be clearly visible and legible from any public place adjoining the site.

Note: *Demolition work means any physical activity to tear down or break up a structure (or part thereof) or surface, or the like, and includes the loading of demolition waste and the unloading of plant or machinery.*

Excavation work means the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders, or the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site and includes the unloading of plant or machinery associated with excavation work.

(Reason: *To ensure that works do not interfere with reasonable amenity expectations of residents and the community)*

38. Excavation and Demolition

Any person acting on this Notice of Determination must ensure that: -

- a) all excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
- b) all excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
- c) demolition work must be undertaken in accordance with the provisions of AS.2601- Demolition of Structures.
- d) the builder is to ensure that persons working on the site comply with the SafeWork NSW requirements.

(Reason: *To ensure that work is undertaken in a professional and responsible manner and protect adjoining property and persons from potential damage)*

39. Alterations to Utility Services

Any necessary alterations to, or relocations of, utility services must be carried out at no cost to the **'Council'** or the relevant public authority.

(Reason: *To ensure costs associated with the development are not transferred to the public)*

40. s.138 Approval Matters

Vehicular footway crossings must be constructed in accordance with Council's Standard Drawings SD-R06 and SD-R07.

It is the applicant's responsibility to ensure:

- a) Traffic control measures are installed and maintained in accordance with AS.1742.3 and the Roads and Traffic Authority Manual – 'Traffic Control at Worksites'
- b) Public liability insurance to the value of \$20 million specific to the footway crossing; and workers compensation insurance, are both maintained for the duration of the works
- c) Whether the proposed works affects any Public Utility Authority installation. The following Authorities should be consulted:
 - i. Dial Before You Dig Ph.: 1100 (including telephone, gas, electricity)
 - ii. Council Ph (02) 4823 4417 (including water and sewer location diagrams).
 - iii. At the completion of work, the development proponent is to ensure that the area surrounding the driveway is backfilled and verge seeded to alleviate pedestrian hazard.

Vehicular footway crossings are that section of a driveway between the roadway and the property boundary. The applicant must arrange an inspection by **'Council'** prior to pouring the concrete with formwork and reinforcement in position. Inspections can be booked in person at Customer Service or by phone on 02 4823 4444. Please note inspection fees apply and a minimum 48 hours' notice is required.

'Council' retains the right to alter, repair, or in extreme cases, remove and replace any work for which approval has not been obtained, or that has not been carried out in accordance with this Notice of Determination. Any rectification works would be undertaken at the owner's full cost, recoverable in accordance with s.218 of the Roads Act 1993.

(Reason: *To ensure compliance with the Roads Act 1993)*

41. Plumbing and Drainage Work
 In accordance with the *Plumbing and Drainage Act 2011*, a plumbing and drainage Notice of Work must be completed and returned to **'Council'** for its records, no later than two (2) business days before the work concerned is undertaken. The Notice of Work is to identify what plumbing and drainage work is to be carried out and must provide the details of the particular plumber/drainer.

(Reason: *To ensure compliance with the statutory requirements)*

42. Sanitary Drainage Inspections
 All sanitary drainage, plumbing and backflow prevention is to be carried out in accordance with AS.3500 and the *Plumbing and Drainage Act 2011*. The following stages of construction are to be inspected by **'Council'** as the Water and Sewer Authority.

- Plumbing and Drainage before backfilling.
- Pressure testing of waterpipes within the building prior to fixing of linings.
- Final inspection of water plumbing and sewer drainage.

Inspections can be booked in person at Customer Service or by phone on 02 4823 4444. Please note inspection fees apply and a minimum 48 hours' notice is required.

(Reason: *To ensure compliance with the statutory requirements)*

SECTION G: CONDITIONS TO BE COMPLIED WITH PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

43. Compliance with Conditions of Consent
 Prior to the issue of any Occupation Certificate the person having the benefit of this Notice of Determination must demonstrate to the **'Principal Certifier'** that all conditions required to be complied with, either at or before the occupation stage, including conditions identified as at all times have been complied with. An Occupation Certificate must not be issued where the development undertaken is in breach of this Notice of Determination.

(Reason: *To ensure compliance with the terms of this Notice of Determination)*

44. Certification of Civil Works
 An appropriately qualified and practising Civil Engineer must certify to the **'Principal Certifier'**:

- a) that the stormwater drainage system has been constructed in accordance with this Notice of Determination and the provisions of the applicable Australian Standard;
- b) that any vehicular crossing and associated road works have been constructed in accordance with this Notice of Determination and any approval for **'works'** in the road reserve issued by the **'Council'** where those works by agreement of **'Council'** have not been inspected by **'Council'**; and
- c) that the internal driveway access and onsite parking areas have been constructed in accordance with this Notice of Determination and the provisions of the applicable Australian Standard.

A copy of the certificate(s) must be submitted to **'Council'** upon completion of the **'works'** and prior to the issue of any Occupation Certificate.

Documentary evidence confirming that the above requirements have been fulfilled must be provided to the **'Principal Certifier'** prior to the issuing of any Occupation Certificate.

(Reason: *To ensure compliance with the conditions of consent)*

45. Telecommunication Services
 Prior to the issue of any Occupation Certificate, a letter of practical completion from the telecommunications infrastructure provider (i.e. NBN) must be provided to Council confirming that arrangements have been made for the provision of underground telecommunications at the front boundary of each proposed building.

(Reason: *Provision of telecommunication facilities in a manner that facilitates the future underground provision of cable services)*

46. Disposal Information
 Prior to the issue of any Occupation Certificate the person having the benefit of this Notice of determination must provide to the **'Principal Certifier'** copies of all waste disposal receipts and any documentation as necessary demonstrating that all demolition and construction waste has been lawfully disposed of or recycled in accordance with the Waste Management Plan.

The **'Principal Certifier'** must be satisfied that quantity of waste disposed of or recycle is commensurate to the quantity of waste actually generated by the **'works'**.

(Reason: *To ensure waste material is appropriately recycled and lawfully disposed)*

47. House Numbering

An Occupation Certificate must not be issued until the approved street numbering has been installed to the kerb directly in front of each Lot.

DWELLING/UNIT OR LOT	ASSIGNED NUMBER	STREET ADDRESS
Rateable Property	10	Ben Bullen Place
Unit 1	1/10	Ben Bullen Place
Unit 2	2/10	Ben Bullen Place
Unit 3	3/10	Ben Bullen Place
Unit 4	4/10	Ben Bullen Place
Unit 5	5/10	Ben Bullen Place
Unit 6	6/10	Ben Bullen Place

Documentary evidence from confirming that this condition has been satisfied must be provided to the **'Certifier'** prior to the issue of any Occupation Certificate.

Note: *Street/unit identification numbers are at least 7 centimetres in height white in colour with blue background 130mm high and must to be displayed in a prominent location clearly visible from the street frontage*

(Reason: *To ensure that the property is correctly addressed and visible from the public road)*

48. Identification of Non-Potable Water

Prior to the issue of any Occupation Certificate signage in accordance with AS.3500.1 must be installed to all taps that are supplied by the rainwater tank where mains reticulated water supply is provided to the **'site'**.

(Reason: *To ensure non-reticulated water supplies are identified)*

49. Landscaping to Nature Strip

All disturbed and unvegetated areas of land to the front of the building line and the nature strip must be fully landscaped with grass turf and six (6) new street trees to prevent soil erosion and migration prior to the release of any Occupation Certificate.

(Reason: *To preserve the amenity of the streetscape and to prevent pollution of the environment)*

50. Landscaping to Front of Building

All disturbed and unvegetated areas of land between the front of the building line and the front property boundary must be fully landscaped with plantings to prevent soil erosion and migration prior to the release of any Occupation Certificate.

(Reason: *To preserve the amenity of the streetscape and to prevent pollution of the environment)*

51. Allocation of Parking Areas

All required parking areas, loading bays, driveways, internal access ways, vehicular ramps and turning areas must be fully constructed, sealed, line marked, sign posted, and numbered in accordance with this Notice of Determination prior to the issue of any Occupation Certificate.

(Reason: *To ensure that adequate facilities to service the development are provided on 'site')*

52. Redundant Vehicle Crossings

All redundant lay-backs and vehicular crossings must be reinstated to conventional kerb and gutter, foot-paving or grassed verge to match existing surrounding materials. All costs must be borne by the person having the benefit of this Notice of Determination, and all works must be completed to the written satisfaction of **'Council'**.

Documentary evidence from **'Council'** as the roads authority confirming that this condition has been satisfied must be provided to the **'Principal Certifier'** Prior to the issue of any Occupation Certificate.

(Reason: *To facilitate vehicular access to sites, without disruption to pedestrian and vehicular traffic, and the preservation of on street parking spaces)*

53. Installation of Driveways

Prior to the issue of an Occupation Certificate the driveway access across the footpath reserve and to the garage and any footway crossing must be constructed in accordance with **'Council's'** Engineering Standards and the approved plans. All works must be completed to the written satisfaction of **'Council'**.

Documentary evidence from **'Council'** as the roads authority confirming that this condition has been satisfied must be provided to the **'Principal Certifier'** prior to the issue of any Occupation Certificate

(Reason: *To ensure driveway access to the property does not have any adverse impact on the public road network)*

54. Infrastructure Repair Prior to Completion of Works

The person having the benefit of this Notice of Determination must fully complete all required **'works'** -

- a) to any footpath, verge, nature strip, road, kerb and guttering, driveway crossover, stormwater and utilities infrastructure within the road reserve;
- b) must repair all damage caused by the **'works'** to any damaged public infrastructure caused as a result of any works relating to the development (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete vehicles) must be fully repaired; and
- c) all damage must be made good in accordance with **'Council's'** engineering standards and at no cost to **'Council'**

Documentary evidence from **'Council'** as the roads authority confirming that this condition has been satisfied must be provided to the **'Principal Certifier'** Prior to the issue of any Occupation Certificate.

(Reason: *To ensure any damage to public infrastructure is rectified)*

55. Water Management Act

A Compliance Certificate issued under s.307 of the *Water Management Act 2000* must be obtained from the Utilities Division of **'Council'** prior to the release of any Occupation Certificate.

Documentary evidence issued by **'Council'** confirming that the final inspection was satisfactory must be provided to the **'Principal Certifier'** prior to the issue of any Occupation Certificate.

(Reason: *To ensure compliance with the statutory requirements)*

56. Plumbing and Drainage Finalisation

A final inspection of water plumbing and sewer drainage must be conducted by **'Council'** as the Water and Sewer Authority.

Documentary evidence issued by **'Council'** confirming that the final inspection was satisfactory must be provided to the **'Principal Certifier'** prior to the issue of any Occupation Certificate.

(Reason: *To ensure compliance with the statutory requirements)*

57. Certificate of Compliance

A Compliance Certificate and a sewer service drainage diagram as issued by the plumber who submitted the Notice of Work must be issued to **'Council'** prior to the release of any Occupation Certificate.

Documentary evidence confirming that the above requirements have been fulfilled must be provided to the **'Principal Certifier'** prior to the issuing of any Occupation Certificate.

(Reason: *To ensure compliance with the statutory requirements)*

58. Domestic Works as Executed Plans

A scaled works as executed plan drawn on **'Council's'** approved template detailing the layout and location of the sewer and stormwater pipe work must be submitted to **'Council'**.

Documentary evidence from **'Council'** as the roads authority confirming that this condition has been satisfied must be provided to the **'Principal Certifier'** Prior to the issue of any Occupation Certificate.

(Reason: *Prescribed – Statutory)*

59. Stormwater Management measures - WaterNSW

All stormwater management measures as specified in Section 5 of the Water Cycle Management Study (dated March 2021) and shown on the Stormwater Disposal Plan (Ref: 01-36031, Issue A, dated 19-3-2021) both prepared by Adams & Associates Hydraulics, shall be implemented prior to the issue of any Occupation Certificate.

(Reason: *To ensure that the stormwater quality management measures and structures for the proposed development have a sustainable neutral or beneficial impact on water quality over the longer term)*

60. Installation of rainwater tanks - WaterNSW

Each dwelling shall have rainwater tanks with a minimum total capacity of 5,000 litres above any volume required for mains top-up and ensure that the tanks are plumbed to toilets, laundry and other areas for non-

potable use including use for gardens. Works are to be completed prior to the issue of any Occupation Certificate.

(Reason: *To ensure that the stormwater quality management measures and structures for the proposed development have a sustainable neutral or beneficial impact on water quality over the longer term)*

61. Installation of raingardens - WaterNSW

The raingardens shall also:

- be designed consistent with Adoption Guidelines for Stormwater Biofiltration Systems Version 2 (Payne et al, 2015, Melbourne, CRC for Water Sensitive Cities)
- be planted with appropriate deep-rooted, moisture-tolerant vegetation protected by rock mulch (grass and turf is not appropriate vegetation and organic mulch is not suitable)
- be constructed after all hardstand areas have been constructed and paved
- be permanently protected from vehicular damage by bollards, fences, castellated kerbs or similar structures, with a sign to be erected to advise of its nature and purpose in water quality management, and
- be protected by sediment and erosion control measures during any construction and post-construction phase until the ground surface is revegetated or stabilised.

The raingarden treating runoff from the concrete driveway shall be Association Property. Works are to be completed prior to the issue of an Occupation Certificate.

(Reason: *To ensure that the stormwater quality management measures and structures for the proposed development have a sustainable neutral or beneficial impact on water quality over the longer term)*

62. Confirmation of stormwater structures - WaterNSW

A suitably qualified stormwater consultant or engineer shall certify in writing to Water NSW and Council, prior to the issuance of a Subdivision Certificate or an Occupation Certificate whichever occurs first, after the construction of all stormwater structures, that all stormwater management structures have been installed as per these conditions of consent and are in a functional state.

(Reason: *To ensure that the stormwater quality management measures and structures for the proposed development have a sustainable neutral or beneficial impact on water quality over the longer term)*

63. Operational Environmental Management Plan - WaterNSW

An Operational Environmental Management Plan (OEMP) shall be prepared in consultation with Water NSW by a person with knowledge and experience in the preparation of such plans. The OEMP shall be prepared prior to the issuance of a Subdivision Certificate or an Occupation Certificates whichever occurs first after the construction of all stormwater structures. The OEMP shall:

- be provided to the Community Association and Lot owners
- include details on the location, description, and function of stormwater management structures such as pits, pipes, rainwater tanks, raingardens and any other stormwater structures and drainage works
- outline the responsibilities and detailed requirements for the inspection, monitoring and maintenance of all stormwater management structures, including the frequency of such activities
- identify the individuals or positions responsible for inspection and maintenance activities including a reporting protocol and hierarchy, and
- include checklists for recording inspections and maintenance activities, particularly for raingardens.

(Reason: *To ensure that the stormwater quality management measures and structures for the proposed development have a sustainable neutral or beneficial impact on water quality over the longer term)*

SECTION H: CONDITIONS TO BE COMPLIED WITH AT ALL TIMES

64. Changes to stormwater treatment

No changes to stormwater treatment and management that will have any impact on water quality, shall be permitted without the agreement of Water NSW.

(Reason: *To ensure that the stormwater quality management measures and structures for the proposed development have a sustainable neutral or beneficial impact on water quality over the longer term)*

65. Impact on Amenity of Locality

At all times the implementation and intensity of this development must not adversely affect the amenity of the locality by reason of excessive levels of illumination (internal or external), solar glare arising from the building

materials utilised in any construction processes or fit-out, the emission of noises, noxious fumes, odours and waste.

(Reason: *To ensure that the amenity of the surrounding locality is not adversely affected by the nature of the approved activity)*

66. Visitor Sign

At all times a sign, legible from the street, must be permanently displayed to indicate that visitor parking is not available on the **'site'** and the visitor car parking space(s) must be clearly marked as such.

(Reason: *To ensure that visitors are aware that parking is available on site and to identify those spaces to visitors)*

67. Stormwater Disposal

At all times, all stormwater from the development, including all hardstandings and overflows from rainwater tanks and raingardens must be collected and disposed of by way of properly constructed stormwater lines to the kerb and gutter (piped). If concrete footpath exists; pipework is to be under bored to the existing kerb inlet.

(Reason: *To ensure the suitable disposal of stormwater generated by the development)*

68. Noise from Water Tanks

At all times pumps used in association with rainwater water supplies must not to exceed the ambient noise level by more than 5dB(A) when measured at the **'site'** boundary.

(Reason: *To ensure noise generated by equipment does not result in offensive noise)*

SECTION I: CONDITIONS TO BE COMPLIED WITH PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

69. Release of Subdivision Certificate

Prior to the issue of any Subdivision Certificate the person having the benefit of this Notice of Determination must demonstrate to **'Council'** that all conditions set out within this Notice of Determination have been complied with and that all works completed. A Subdivision Certificate must not be issued where the development undertaken is in breach of this Notice of Determination.

Notes: *A tabularised statement that separately identifies the conditions contained within the Notice of Determination, details how the conditions have been complied with and is provided with clear references to any supporting evidence being submitted to satisfy a condition is required.*

(Reason: *To ensure that the development is completed to an acceptable standard prior to registration)*

70. Subdivision Certification

A Subdivision Certificate that authorises the registration of a plan of subdivision at the NSW Land Registry Services must be obtained. The following must be submitted to **'Council'** with any application for a subdivision certificate:

- a) the original plans of subdivision and administration sheets plus two (2) copies of each, and any original s.88B instrument to be endorsed, all enclosed in a protective sleeve (to prevent damage during transfer);
- b) an electronic version of all files being submitted including Word documents of all s.88 instruments;
- c) application for subdivision certificate form duly completed with payment of fees current at lodgement;
- d) written evidence in the form of a full condition compliance table that demonstrates how all the conditions contained within this Notice of Determination have been satisfied (including submission of all required certificates and/or information where required); and
- e) all other information required by the **'the Act'** and **'the Regulation'**.

Notes: *'Council' will check the consent conditions on the relevant subdivision consent. Failure to submit the required information will delay endorsement of the plan of subdivision and may require payment of rechecking fees or refusing the certificate.*

'Council' will not accept bonds in lieu of completing subdivision works.

(Reason: *To ensure compliance with relevant legislative requirements and maintenance of up to date Council records)*

71. Easements, Rights of Way and Restrictions as to User

All easements, rights-of-way, right-of-carriageway, and restrictions-as-to-user as indicated on the plans submitted with the application for a Subdivision Certificate, together with the following additional easements/rights-of-way/restrictions, naming Goulburn Mulwaree Council as the sole authority empowered to release or modify the same are to be prepared for registration on the title of the relevant Lots:

- a) All **'Council'** sewer and stormwater infrastructure;
- b) There shall be a public positive covenant under Section 88E of the *Conveyancing Act 1919*, the prescribed authority being Water NSW, placed over all proposed lots and Association Property requiring that:
 - the rainwater tanks, raingardens and associated outlets be monitored, maintained, and managed as per the Operational Environmental Management Plan by the Community Association, and
 - the raingardens be retained and protected from any development within one metre of the structure.

Documentary evidence in the form of an endorsed instrument for registration by **'Council'** under section 88 of the *Conveyancing Act 1919* must be provided to the **'Certifier'** prior to the issue of any Subdivision Certificate.

Note: *Any reference to a plan must include the details of the title, author, drawing number, revision number and date of issue.*

(Reason: *To ensure proper management of land)*

72. Allocation of Parking

Car-parking provided must only be used in conjunction with the units and tenancies contained within the development in the case of Community Title Subdivision, and must be individually allocated to residential units as part of their unit entitlement.

Visitor parking facilities required by this Notice of Determination are to be designated as common property on the Strata plan, and under no circumstances shall Strata By-Laws be created to grant exclusive use of nominated Visitors Parking spaces to occupants/owners of units or tenancies within the building.

Documentary evidence confirming that this condition has been satisfied must be provided to the **'Certifier'** prior to the issue of any Subdivision Certificate.

(Reason: *Provision of adequate on-site parking facilities to service the development)*

SECTION J: CONCURRENCE AGENCY CONDITIONS

73. Water NSW Concurrence

Water NSW concurs with Council granting consent to the application, subject to the conditions within the concurrence letter dated 18 August 2021, which must be satisfied during the relevant stage of the development and prior to the issue of the Subdivision/Occupation Certificate (or at a time as otherwise stated in the condition).

(Reason: *To ensure the development has a neutral or beneficial effect on water quality)*

Section 375A of the *Local Government Act 1993* requires General Managers to record which Councillors vote for and against each planning decision of the Council, and to make this information publicly available.

BACKGROUND

DA/0419/2021 was lodged with Council via the NSW Planning Portal on 31 March 2021, for the construction of six (6) attached town houses with an associated seven (7) Lot Community Title Subdivision at 10 Ben Bullen Place, Goulburn. The property was previously owned by Council and was used as the water reservoir before being decommissioned.

The proposal was notified to twenty-two (22) surrounding properties, advertised on Council's website and an A3 advertising sign placed on the site. The application was referred to the Building team, Council's Development Engineer, Landscape Planner, Utilities Department, Waste Officer and Road Safety Officer. A number of submissions were received during the public notification period and a site inspection was conducted by planning staff on 30 April 2021 with a number of submitters present.

The proposal was reviewed by Council planning staff which identified a number of planning issues which ranged from over shadowing impacts, errors on the plans in terms of lot numbering, stormwater issues/on-site detention calculations, parking arrangements and internal vehicular movement. The applicant submitted amended plans on 4 May 2021 showing some of the requested information, with more additional information being supplied on the 2 July 2021 and the applicant's final response to the public submissions provided 28 July 2021.

REPORT

Proposed Development

The proposal known as DA/0419/2021 is for the construction of six (6) attached town houses with an associated seven (7) lot Community Title Subdivision at 10 Ben Bullen Place, Goulburn (Lot 156 DP 248976). The proposal seeks to construct six (6) town houses with three (3) bedrooms, combined living and dining, alfresco areas and north facing private open space. The roof design is a simple skillion roof sloping to the south to allow the dwelling to have full solar access to the north.

In addition, the development proposal will involve landscaping, stormwater works and internal driveway works. Plans of the proposal are included in the **Attachment**.

Background

The site was previously owned by Council and contained a water reservoir to service the Bradfordville area. The site was decommissioned a number of years ago when Craig’s Hill reservoir came online, resulting in the Ben Bullen site water reservoir being removed. The site has been vacant for some time and was sold by Council on 6 December 2019. The sale of the site was agreed to by Councillors on 2 April 2019 (Resolution 2019/120). The lot while in Council’s ownership was classified as Operational Land under the *Local Government Act 1993*.

Council’s records do not show any past development applications lodged for the site.

Site Context

The proposed development site is north-east of the Goulburn CBD and is dominated by existing single detached residential dwellings from the post-war architectural period. The surrounding lots have a range of lot sizes with the subject lot being the largest due to the historic use as a site containing a water reservoir for the surrounding Bradfordville area. The zoning is R2 Low Density Residential with RE1 Public Recreation located 176 metres to the west and 247 metres to the south. The site is located on the highest point of the area.



Image 1 – Site in relation to land use zoning. R2 Low Density Residential in Pink, RE1 in Green

Consultation and Submissions made in accordance with Act or Regulations

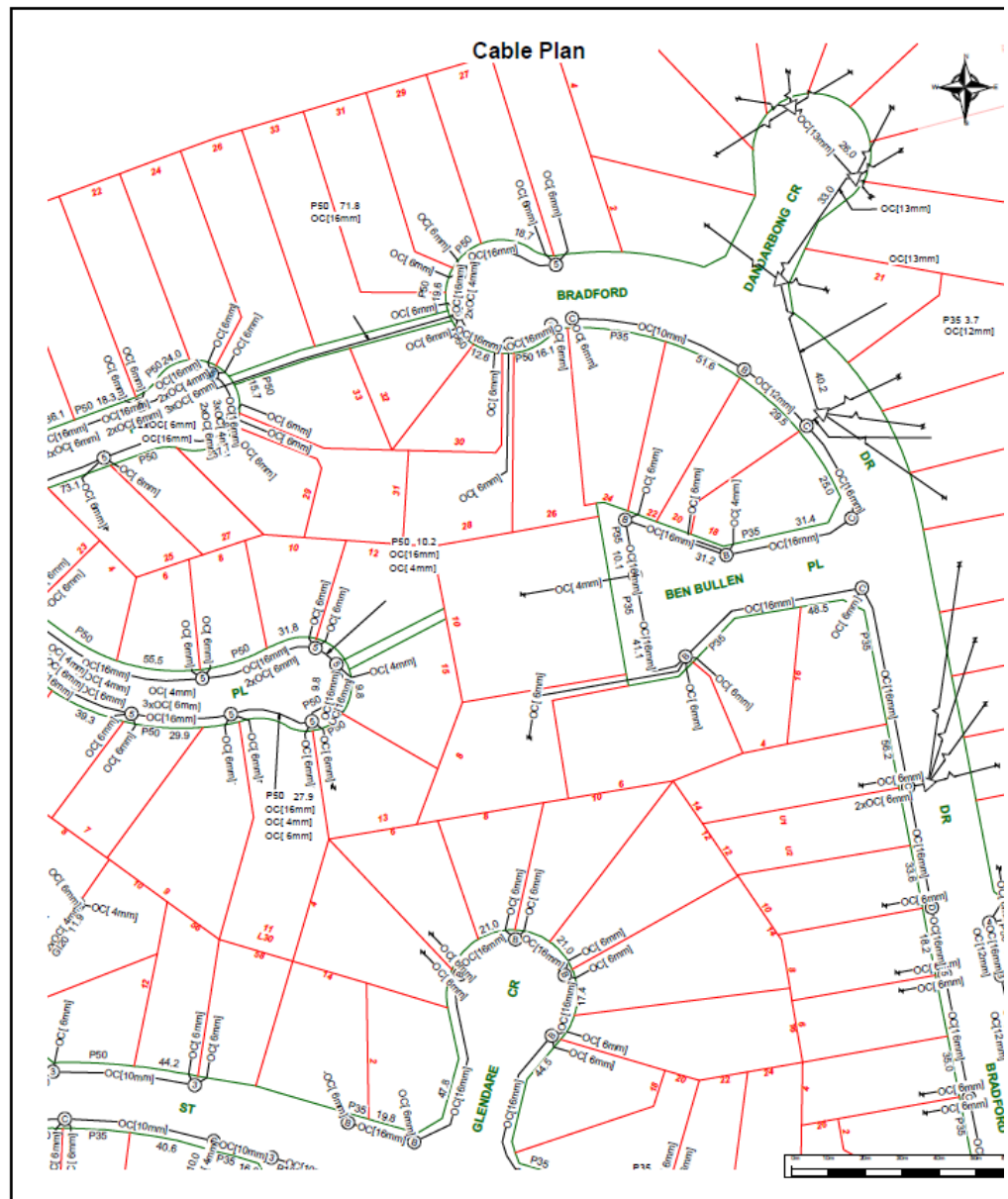
Public Submissions


The proposed development was notified to twenty-two (22) adjoining and nearby residents. It was advertised in the local paper, on Council’s website and an A3 sign placed at the site. Public exhibition of the proposal resulted in nine (9) submissions being received (refer **Attachment**). The Applicant’s response to the issues raised is also included in the **Attachment**.

The following is a summary of the issues raised in the submissions and the planning response:

Issue	Response
Solar Access	The applicant has provided additional plans that show that the surrounding dwellings will receive three (3) hours of solar access as required under the DCP. The property to the west is overshadowed in the morning, however, the shadow will move at 11:00am to allow the resident to enjoy sunlight within the private open space and furthermore, it will not stop other properties from fitting solar panels in the future. It is considered that this matter has been addressed.
Setbacks	The DCP requires a rear setback of six (6) metres. The rear of the buildings has a setback of six (6) metres and allows a side setback of 1.575 metres. The design as proposed still allows for the development and surrounding properties to achieve solar access and privacy while providing private open space for the residents.
Privacy	The DCP requires windows not to be positioned so that they permit direct views to the adjoining habitable rooms. Second storey windows are not located in areas that allows direct views unless privacy elements are being applied as per the DCP requirements. The windows that face the west are bedrooms and a bathroom. The bathroom will have frosted windows and the bedroom will have a privacy screen installed. The bedrooms are not considered living rooms and will have reduced use compared to the living/dining areas. The use of smaller windows allow the increase to privacy to both residents. The windows that face north will mainly have an obscured blocked view as a result on the carport.
Having the development with single level detached dwellings	The use of single detached dwelling is possible but restrictive due to the location of the easement and would also result in vehicle access being unable to meet Council’s Engineering Standards. Two storey dwellings are permissible in the zone and there are a number of two storey dwellings in the locality.
Water runoff	The submission relates to stormwater runoff from the property, down Ben Bullen Place. The construction of the dwellings will capture the runoff and reduce the impact to downstream properties. On-site detention will be required to slow the runoff. The development will dispose runoff to the street but with the use of rainwater tanks, the amount of water will be reduced to an acceptable standard.
Parking	The plans have been amended to allow each dwelling to have two parking spaces. The DCP requires multi-unit development to have two spaces per dwelling unit plus 0.25 visitor parking spaces. This will require 12 spaces for the dwellings and 1.5 (rounded to 2) parking spaces. The development has provided 12 parking spaces on-site. The RMS Guide to Traffic Generating Development recommends off street parking is provided at the rate of 1 space for each unit plus an additional 1 space per each 5 x 2 bedroom unit. An additional one space per each 2 x 3 or more bedroom unit is also recommended. Therefore, the calculation will be six (6) car parking spaces plus three (3) additional parking spaces which results in a total of nine (9) parking spaces with two spaces being reserved for disability parking. One visitor parking space will also be required and will be catered within the road reserve.
Public Access	The site was previously encumbered with a water reservoir but this was removed a number of years ago. The site when in Council’s ownership was classed as operational land under the <i>Local Government Act 1993</i> . Despite the site not having an easement for use as a public walkway the site has been used for such. Public access between Samuel Place and Bradford Drive can be reached via Amaroo Place. It is considered that this matter has been resolved.

<p>Water Pressure</p>	<p>The water network is a gravity feed network and comes from the south along Bradford Drive. This development will result in a reduction of water pressure but the water pressure matter is existing. To mitigate the issue of water pressure, individual water tanks that are filled overnight and provide dedicated water to the new units will be installed. It is also recommended that the properties that are currently affected by water pressure issues have Council install a booster to mitigate further loss of pressure.</p>
<p>Access into the rear of 26 Bradford Drive</p>	<p>There is a Council approved garage that is accessed via a small handle from Ben Bullen Place. However, the land owner has been using a portion of the land of 10 Ben Bullen Place to access the garage which is private land. The garage does have legal access and the vehicle accessibility of the garage is considered a private matter.</p>
<p>Traffic</p>	<p>The increased traffic from the site will be approx. 6.5 vehicle movements per dwelling per day as per the RMS guide to traffic generating development. This would result in around 39 additional vehicle movements. The submission raised concerns about accidents occurring at the intersection of Ben Bullen and Bradford Drive with people cutting the corner of Bradford Drive and speeding drivers. Matters in regards to people not following the road rules are dealt with by NSW Police. The sight lines are reduced to the north as a result of vegetation located on 18 Bradford Drive.</p> <p>Installing a roundabout at the intersection of Bradford Drive and Ben Bullen Place is unfeasible due to space limitations and it would result in driveways having direct access to the roundabout which is not supported. Council's Road Safety Officer has reviewed the intersection and recommend that a give way/stop sign be installed.</p>
<p>Dust</p>	<p>The development is required to control dust within the site and must be controlled as per the <i>Protection of the Environment Operations Act 1997</i>. It will also be conditioned that dust control measures be installed and managed throughout the construction period.</p>
<p>Phone Pit</p>	<p>Phone lines are not the responsibility of Council to manage. The submission raised that when it rains phone lines drop out. Council staff observed during the site visit that the pit lid had collapsed and contacted Telstra to replace it, which they did. This may resolve the issue with the phone line. Below is the cable plan from Telstra on the location of the phone lines. The pit is located in the middle of the lot and is only a line that services the subject lot.</p>



	For all Telstra DBYD plan enquiries - email - Telstra.Plans@team.telstra.com For urgent onsite contact only - ph 1800 653 935 (bus hrs)	Sequence Number: 108402983
	TELSTRA CORPORATION LIMITED A.C.N. 051 775 556 Generated On 08/04/2021 09:35:27	Please read Duty of Care prior to any excavating

WARNING - Due to the nature of Telstra underground plant and the age of some cables and records, it is impossible to ascertain the precise location of all Telstra plant from Telstra's plans. The accuracy and completeness of the information supplied can not be guaranteed as property boundaries, depths and other natural landscape features may change over time, and accordingly the plans are indicative only. Telstra does not warrant or hold out that its plans are accurate and accepts no responsibility for any inaccuracy shown on the plans.

It is your responsibility to locate Telstra's underground plant by careful hand pot-holing prior to any excavation in the vicinity and to exercise due care during that excavation.

Please read and understand the information supplied in the duty of care statement attached with the Telstra plans. TELSTRA WILL SEEK COMPENSATION FOR LOSS CAUSED BY DAMAGE TO ITS Telstra plans and information supplied are valid for 60 days from the date of issue. If this timeframe has elapsed, please reapply for plans.

External Referrals

Water NSW – The application was referred to the WaterNSW for concurrence as required under the *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*.

Assessment against Legislation and Policies

- State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

The site is located within the Sydney Drinking Water Catchment. The proposal has been assessed as having a neutral or beneficial impact on water quality.

- Goulburn Mulwaree Local Environmental Plan 2009

Land Use Table – R2 Low Density Residential

The proposal is permissible with Council consent. The objectives of the R2 Low Density Residential zone are as follows:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To maintain the economic strength of commercial centres by limiting the retailing of food and clothing.*

The proposal does meet the objectives of the zone as it provides housing to the Goulburn community. The type of development is considered to be that of a low rise medium density and is permissible in the zone.

Clause 4.1B - Minimum lot size for multi dwelling housing and residential flat buildings

The clause requires development to have a minimum lot size to allow multi dwelling housing to occur. The purpose is to achieve a purposeful density and to stop overdevelopment of a site. The minimum lot size for the R2 Low Density Residential is 1,050m². The lot size at 10 Ben Bullen Place is 2,090m² and therefore, the development meets the clause requirements.

Clause 4.3 - Height of Buildings

Clause 4.3 does not apply to the land and therefore, this aspect of the development is subject to the provisions of the Development Control Plan in regards to height restrictions.

- Goulburn Mulwaree Development Control Plan 2009

3.5 – Landscaping

The proposed landscaping allows for the development to have a softer impact in terms of streetscape while allowing the Private Open Spaces to have full solar access. The use of silver birch allows the landscaping to be suitable in terms of scale and height and will be located in from the fence to allow the natural landscaping to dominate the view from the street. Car parking areas are covered with a carport and will not require addition trees within the car parking area.

3.6 Vehicular access and parking

The DCP requires multi-unit developments to have two spaces per dwelling unit plus 0.25 visitor parking spaces per dwelling. This will require 12 spaces for the dwellings and 1.5 (rounded to 2) parking spaces for visitors. The development has provided 12 parking spaces on-site.

The RMS Guide to Traffic Generating Development recommends multi-unit development provides off street parking comprising one (1) space for each unit plus an additional 1 space per each 5 x 2 bedroom unit. Additionally, one space per each 2 x 3 or more bedroom unit is required. Therefore, the calculation will be six (6) car parking spaces plus three (3) additional parking spaces which results in nine (9) parking spaces with two spaces being reserved for disability parking. One visitor parking space will be required and will be catered for within the road reserve.

The use of the DCP Control will require the site to have a long carport which will cover the entire length of the site and will impact the amenity of the street. The objectives from the DCP in regard to parking is as follows:

- Where on-site car parking or service areas are required, ensure that the layout and design does not detract from the amenity of adjoining areas.
- Ensure the design of parking and servicing areas is efficient, safe, convenient, discrete and suitably landscaped.
- Minimise nuisance caused by traffic movement, generation and servicing

The use of the RMS guide instead of the DCP will allow the development to meet the objectives in not detracting from the amenity of the areas and would allow the parking area to be suitable landscaped.

4.1.1 Site Planning, bulk, scale and density

The DCP requires multi-dwelling housing have a minimum average amount of site area of 350m² per dwelling unit. This is calculated by the lot size (being 2,090m²) divided by 350m² which equals 5.9 dwellings rounded to six (6) dwellings. The objectives for the section of the DCP are:

- Achieve a coherent site layout that provides a pleasant, attractive, manageable, resource efficient and sustainable living environment.
- Ensure bulk and scale does not have an unacceptable impact on the streetscape and the character of the locality.
- Higher density developments are located close to public transport, shopping and community facilities.

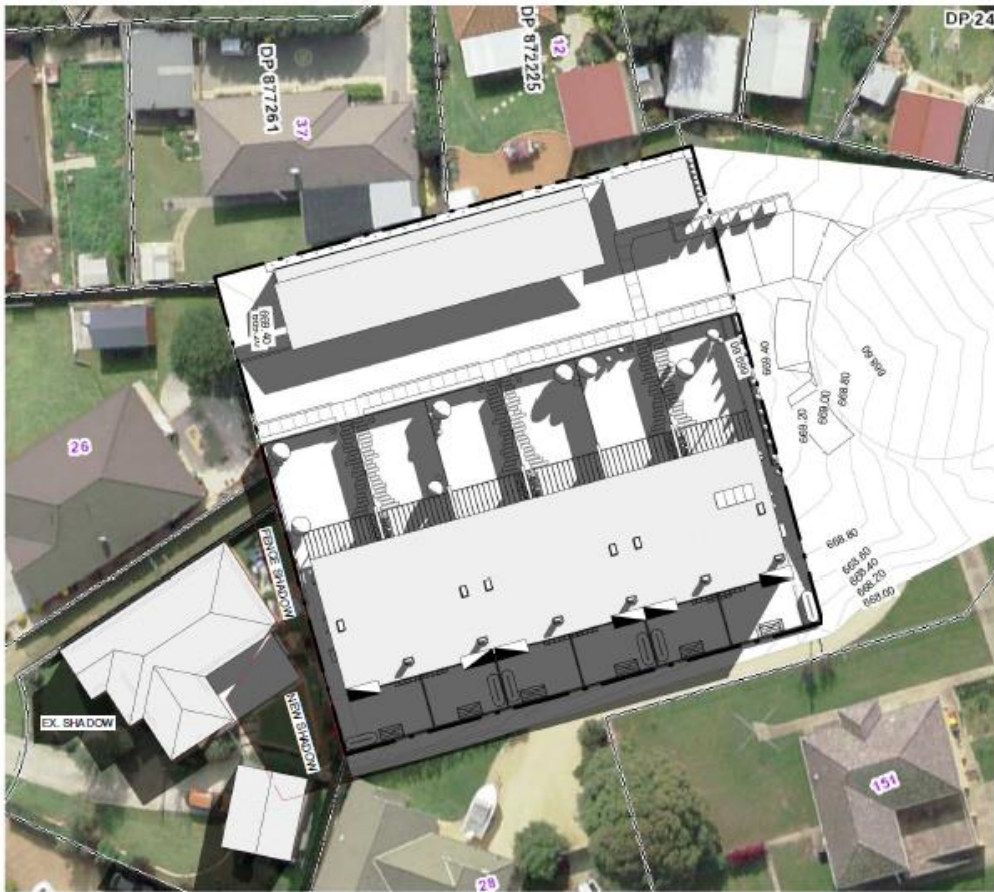
The site layout allows for the water easement which dissects the site. Having the narrow part of the building facing the street will reduce the bulk view to the street. Consequently, having all the units facing the street will not be possible due to the easement and will have adverse impact on the streetscape, due to bulk and scale.

4.1.2 – Number of Storeys

The DCP requires that multi dwellings have a maximum of two storeys. The development has a maximum of two storeys and will have a finished height of 6.947m.

4.1.3 Solar access

The DCP requires that residential buildings be designed to allow the principal living spaces of the proposed dwelling, adjoining residential buildings and at least 50% of the private open space have at least three hours of sunlight between 9:00am and 3:00pm. The principal living areas of this proposal achieves greater than three (3) hours of solar access. The surrounding dwellings will not be fully overshadowed during the periods except the property to the west (15 Samuel Place) which is partly overshadowed. The adjoining property (15 Samuel Place) is overshadowed from 9:00am to 11:00am, with the property achieving around 50% of the Private Open Space having three hours of sunlight access. The below images show the shadow path from 9:00am to 3:00pm.



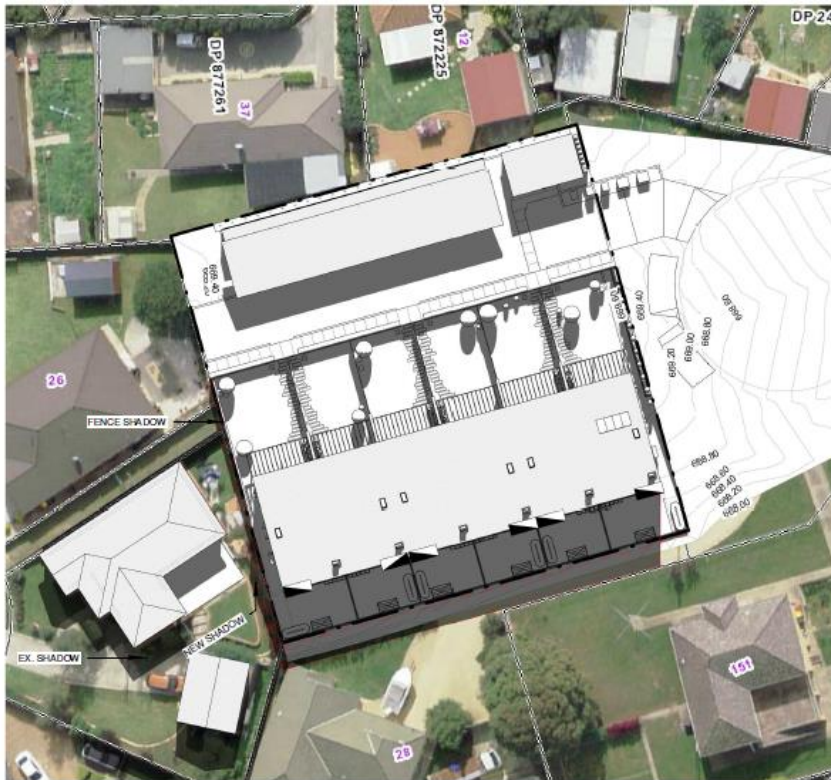
1 SHADOW DIAGRAM - WINTER SOLSTICE 10AM
1 : 500 @ A3



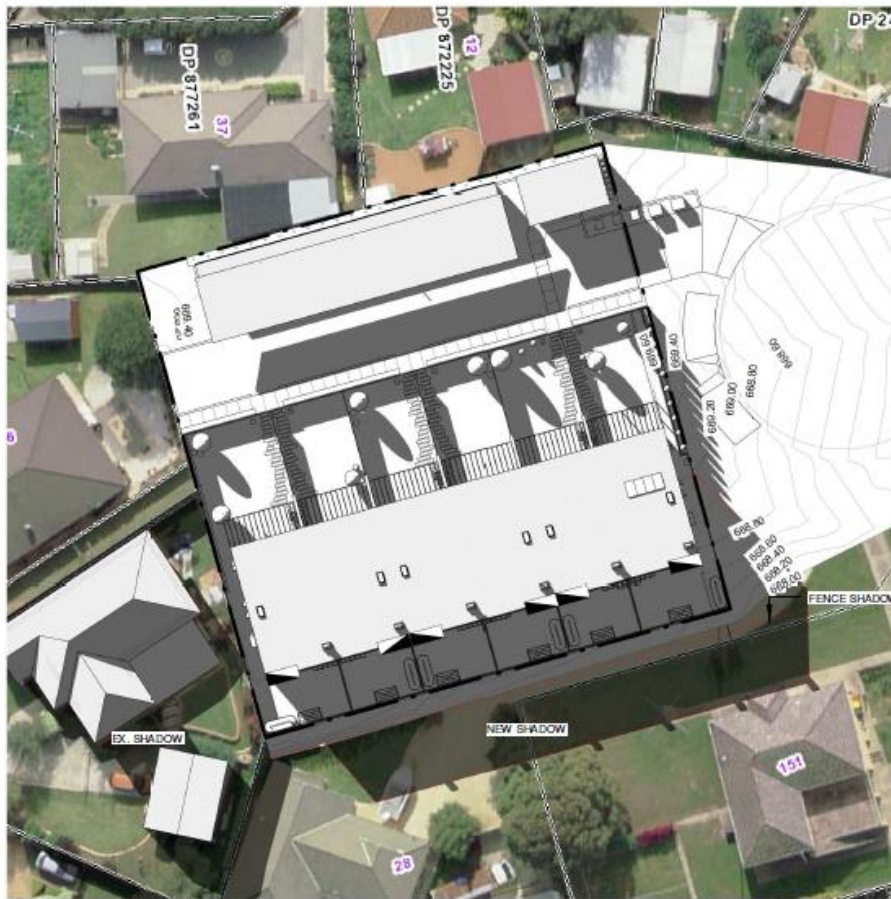
1 SHADOW DIAGRAM - WINTER SOLSTICE 11 AM
1 : 500 @ A3



2 SHADOW DIAGRAM - WINTER SOLSTICE 11.30AM
1 : 500 @ A3



1 SHADOW DIAGRAM - WINTER SOLSTICE 12PM
1 : 500 @ A3



SHADOW DIAGRAM - WINTER SOLSTICE 3PM

1 : 500 @ A3

The shadow cast does cover the private open space of the western property, however the dwelling overshadows itself. Nonetheless it will achieve good solar access throughout the day. It is considered that the overshadowing is acceptable when considered against the DCP and meets the objective of the clause of being able to “achieve energy efficient urban housing, using passive solar design that provides residents with year round comfort and reduces energy consumption.”

4.1.8 Privacy

Most windows on the second storey will face adjoining properties in some way. The windows to the south west will face the adjoining property with Window W611 (noted on Plan A-04) being the largest window which will face the rear yard of the property. The south western elevation of the development will have external screens added to direct views to the North West away from the yard area of Lot 27. This window is linked to a bedroom. The northern windows on the second storey are also linked to bedrooms and do not directly face adjoining dwelling windows, balconies or courtyards. The carport will limit views into the adjoining properties to the north.

4.1.10 – Setbacks

The DCP requires development to have a rear setback from the lot boundary of six (6) metres. The rear of the buildings has a setback of six (6) metres and allows a side setback of 1.575 metres. The purpose of the setback is to allow for proper solar access and useable private open space. Due to the limitations of the lot, specifically the water easement in the middle of the lot, the design has to be outside of the easement to meet Council’s requirements. The design as proposed still allows for the development and surrounding properties to achieve solar access and privacy while allowing for private open space for the residents.

4.1.12 Traffic safety and management

The objectives of the clause are as follows:

- Reduce the visual impact of garages, carports and parking areas on the streetscape and improve dwelling presentation.
- Provide sufficient and convenient parking for residents, visitors and service vehicles.
- Ensure vehicular and pedestrian safety.
- Encourage access design to form part of the overall landscape design.
- Provide acceptable levels of access, safety and convenience for all road users.

The development will create additional traffic movements from the site. Using the RMS Guide for Traffic Generating Developments it is estimated that there will be at least thirty-nine (39) traffic movements generated by the development. This is lower than the rate for dwelling houses which is nine (9) daily vehicle trips. With the three (3) existing dwellings using Ben Bullen Place it is estimated that there will be 27 daily vehicle trips. Together with the proposed development this will create 66 daily vehicle trips.

The intersection of Ben Bullen Place and Bradford Drive is limited in sight lines as a result of the bend in the road to the north of the intersection and the vegetation to 18 Bradford Drive. It is recommended that Council's install a Give Way sign and line markings to reduce the risk of collision.

Therefore, it is considered that the development will not increase risk to the traffic safety of the area.

Likely Impact of Proposed Development

Context and Setting:

The character of the development is different to the surrounding locality and the site is located on the highest location in the area which provides sight lines to the surrounding hills including Rocky Hill. The two storey unit development is the first for the locality but in regards to the extended Bradfordville locality there are a number of examples of 2-3 storey unit complexes which are situated within single storey dwellings (e.g. Queen Street).

The orientation of the building to have the narrow part facing the street will assist in reducing the overall bulk and scale form impact to the locality. This is also the result of the large easement that dissects the site. This will reduce the visual impact to the street and reduce amenity impacts. However, the property 8 Ben Bullen Place will have a reduced presence to the Ben Bullen Streetscape and will face the rear of the new units. This is due to the shape of the lot and being located lower than 10 Ben Bullen Place.

Suitability of the Site for the Proposed Development

The proposal is compatible with the surrounding streetscape, the desired future character of the area and the objectives of the R2 Low Density Residential zone. Furthermore, the proposal will integrate with existing infrastructure and will provide additional development opportunities for residential dwelling to be located within an existing locality. The proposed subdivision for Community Title is considered suitable for the development and meets the requirements and controls in relation to Community Title Subdivision of land. The constraints of the site have been appropriately considered and assessed as being satisfactory.

Policy Considerations

- Goulburn Mulwaree LEP 2009 (as amended)
- Goulburn Mulwaree DCP 2009 (as amended)
- Goulburn Mulwaree Section 94A Levy Plan 2009

Conclusion and Recommendation

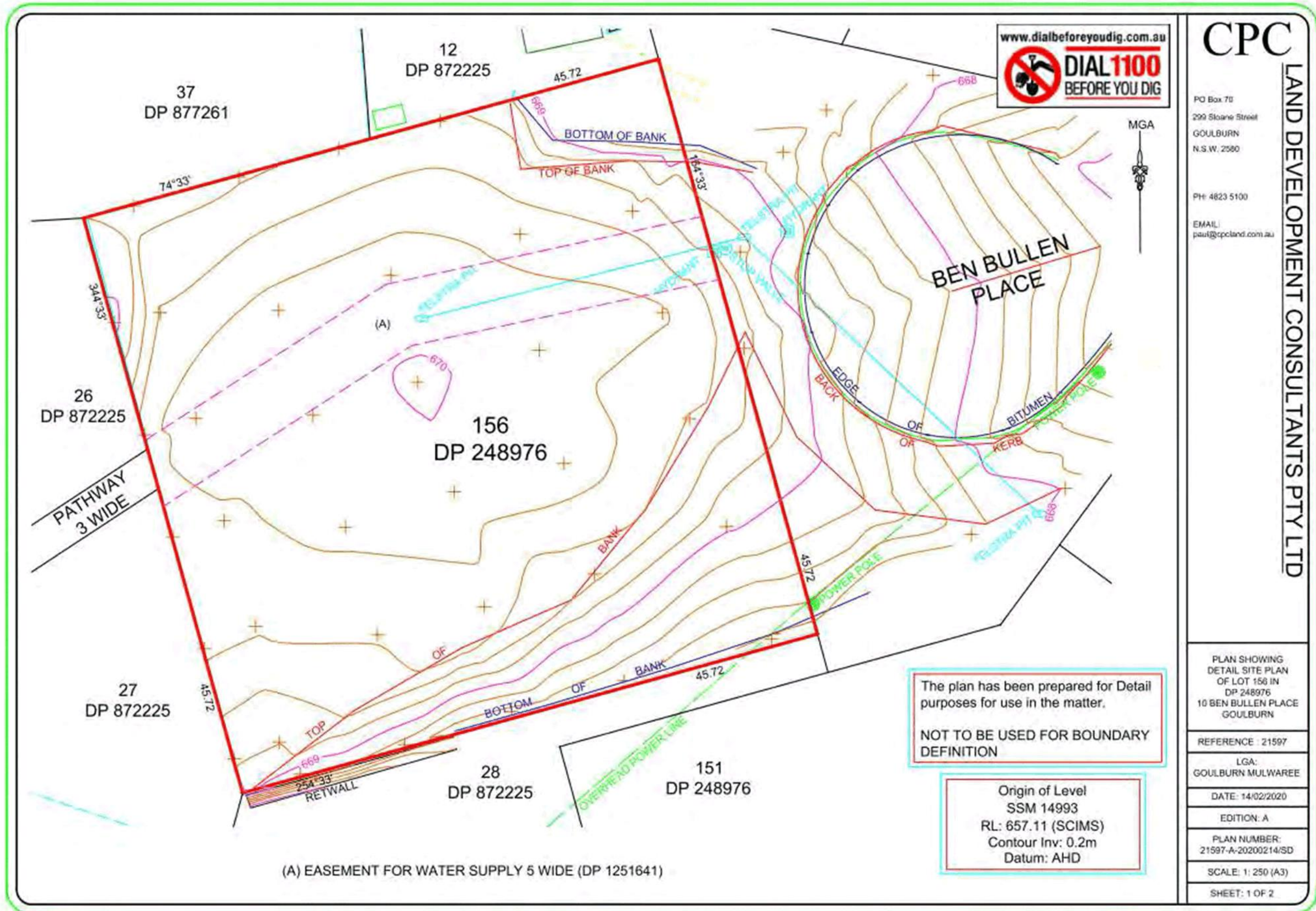
The proposal has been considered against relevant Legislation and Policy. The proposed design and arrangements has been duly considered and is considered satisfactory in terms of the limitations of the site and the requirements of the controls. It is considered that all potential impacts of the proposal can be adequately managed through conditions of development consent.

FINANCIAL IMPLICATIONS

Financial implications are likely to impact Council if the applicant of the development proposal chooses to appeal the recommended approval conditions to the Land and Environment Court.

LEGAL IMPLICATIONS

Council may be in a position where it may be required to defend an appeal made by the Applicant to the Land and Environment Court.



NATHERS COMMITMENTS:

WATER

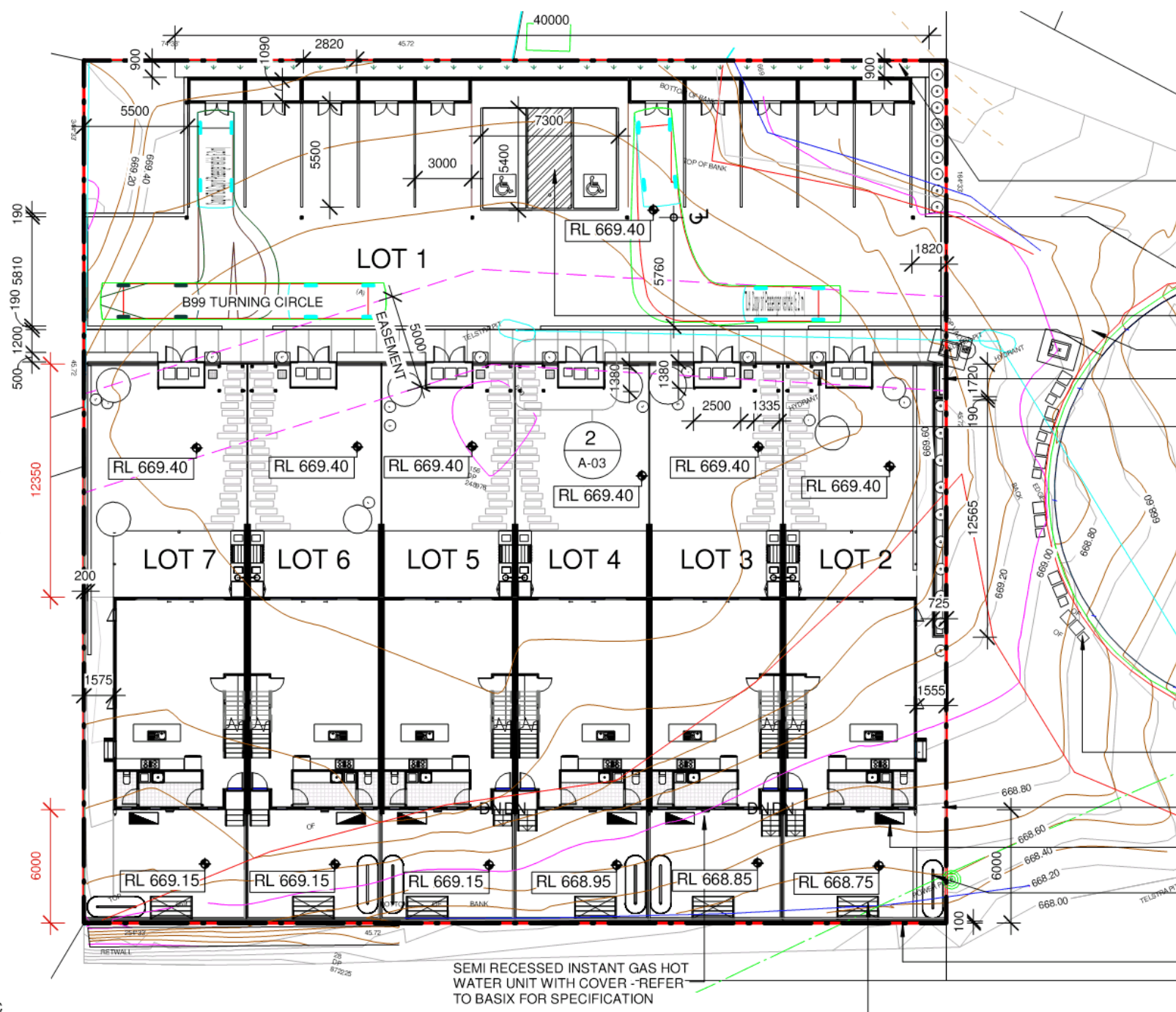
1. LANDSCAPE
 - UNIT 1 - AREA LAWN/GARDEN: 128M2
 - AREA OF LOW WATER USE SPECIES: 0M2
 - UNIT 2 - 5 AREA LAWN/GARDEN: 95M2
 - AREA OF LOW WATER USE SPECIES: 0M2
 - UNIT 6 - AREA LAWN/GARDEN: 133M2
 - AREA OF LOW WATER USE SPECIES: 0M2
2. ALTERNATIVE WATER SUPPLY
 - UNIT 1 - 5,000L TANK, COLLECTING FROM 92.13M2 ROOF AREA
 - UNIT 2 - 5,000L TANK, COLLECTING FROM 92.19M2 ROOF AREA
 - UNIT 6 - 5,000L TANK, COLLECTING FROM 92.13M2 ROOF AREA
4. POOL / SPA
NO SWIMMING POOL OR SPA
5. DWELLING FIXTURES
SHOWERHEADS - 4STAR (>6<7.5L/MIN); TOILETS 4 STAR; KITCHEN/BATHROOM TAPS 4 STAR

THERMAL COMFORT

- UNITS 1-6
GLAZING: MAXIMUM U-VALUE 6.7 SHGC 0.57 (AWNING) 0.7 (SLIDING)
MAXIMUM U-VALUE 4.22 SHGC 0.72 (SKYLIGHTS)
INSULATION: MINIMUM R5 INSULATION TO BE INSTALLED TO ROOF PLUS SISALATION
MINIMUM R2.5 INSULATION TO BE INSTALLED TO EXTERNAL WALLS WITH VERTICAL UNVENTILATED REFLECTIVE AIRGAP 17-30MM (0.05/0.9; E=0.050)
MINIMUM R2.5 INSULATION TO BE INSTALLED TO INTERNAL BATHROOM/LAUNDRY/TOILET WALLS ADJACENT CONDITIONED SPACES
LIGHTING: ANY DOWNLIGHTS TO BE LED, IC-F COMPLIANT SO AS TO ALLOW FULL COVERAGE OF INSULATION.
VENTILATION: ALL EXHAUST FANS TO BE SEALED.
COLOUR: ROOF (DARK SA 0.7) WALLS (MEDIUM SA 0.5)

ENERGY

6. COMMON AREA LIGHTING CARPARK (LED DAYLIGHT SENSOR/MOTION SENSOR) AND GARBAGE ROOM (LED WITH MOTION SENSORS)
7. DWELLING HOT WATER SYSTEM GAS INSTANTANEOUS 5 STAR HOT WATER SYSTEM
8. DWELLING VENTILATION BATHROOM & KITCHEN HAVE INDIVIDUAL EXHAUST FAN DUCTED TO ROOF/FACADE WITH MANUAL SWITCH ON/OFF
9. DWELLING LAUNDRY EXHAUST FAN NATURAL VENTILATION ONLY
10. DWELLING COOLING SYSTEM 1 PHASE/>3.5 STAR 1 PHASE INDIVIDUAL SYSTEM IN LIVING AND BEDROOM AREAS (NON-ZONED)
11. DWELLING HEATING SYSTEM 1 PHASE/>3.5 STAR 1 PHASE INDIVIDUAL SYSTEM IN LIVING AND BEDROOM AREAS (NON-ZONED)
12. DWELLING LIGHTING - LED LIGHTING THROUGHOUT
13. COOKTOP/OVEN GAS COOKTOP & ELECTRIC OVEN
14. VENTILATED FRIDGE SPACEYES
15. RENEWABLE ENERGY 2.0KW SYSTEM INSTALLED TO UNIT 1



LOT 1 - COMMUNITY	730.61 m ²
LOT 2	257.24 m ²
LOT 3	211.15 m ²
LOT 4	211.15 m ²
LOT 5	211.15 m ²
LOT 6	211.15 m ²
LOT 7	257.85 m ²
SITE AREA	2090.32 m ²

AREA OF RAINGARDEN, REFER TO HYDRAULIC ENGINEERS SPECIFICATION

ACCESSIBLE CARPARKING SPACE TO AS2890
CONCRETE DRIVE TO COUNCILS STANDARD ENGINEERING DRAWING
MAIL BOXES

450x450mm OUTLET PIT TO HYDRAULIC ENGINEERS SPECIFICATION

LOT 2 NORTH POS AREA	114.36 m ²
LOT 3 NORTH POS AREA	102.45 m ²
LOT 4 NORTH POS AREA	102.45 m ²
LOT 5 NORTH POS AREA	102.45 m ²
LOT 6 NORTH POS AREA	102.45 m ²
LOT 7 NORTH POS AREA	125.11 m ²
LOT 2 SOUTH POS AREA	29.88 m ²
LOT 3 SOUTH POS AREA	23.77 m ²
LOT 4 SOUTH POS AREA	24.05 m ²
LOT 5 SOUTH POS AREA	24.33 m ²
LOT 6 SOUTH POS AREA	24.33 m ²
LOT 7 SOUTH POS AREA	30.52 m ²
COMMON LANDSCAPED AREA	106.33 m ²

GMC BIN COLLECTION AREA
NEW COLORBOND FENCE 1800mm AFG
METER BOX AND NBN CONNECTION
5,000L WATER TANK ON 100mm CONCRETE SLAB, OVERFLOW TO STORMWATER SYSTEM

RETAINING WALL TO ENGINEERS SPECIFICATION

FOLDING WALL MOUNTED CLOTHES LINE

1 PROPOSED SITE PLAN
1 : 250 @ A3

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DRAWING AMENDMENTS		
REVISION	DESCRIPTION	DATE
A	DEVELOPMENT APPLICATION	08/02/2021
B	ADDITIONAL INFORMATION	10/03/2021
C	COUNCIL RFI	03/05/2021
E	COUNCIL RFI - BINS AND PARKING	07/07/2021

PROJECT TITLE	7 LOT COMMUNITY TITLE SUBDIVISION AND MULTI UNIT DEVELOPMENT
CLIENT	BRAU INVESTMENTS
<small>Figured dimensions take precedence. Do not scale drawings. Builder to check all levels datum and dimensions on the job, conflicting information to be resolved by the project manager prior to commencing work. All materials and workmanship to be in strict accordance with current Australian standards, BCA, Local regulation and manufacturers current printed instructions. Unless noted otherwise use only best quality materials, fittings and fixtures. COPYRIGHT TIM LEE ARCHITECTS Drawings subject to copyright and may not be reproduced in any form without the written permission of the architect.</small>	

TIM LEE ARCHITECTS
residential commercial industrial
P: 02 4822 5934
ABN: 71 425067537
ROSS PLACE
GOULBURN NSW
2580
NOMINATED ARCHITECT:
TIM LEE
NSW REG: 7304
ACT REG: 1030

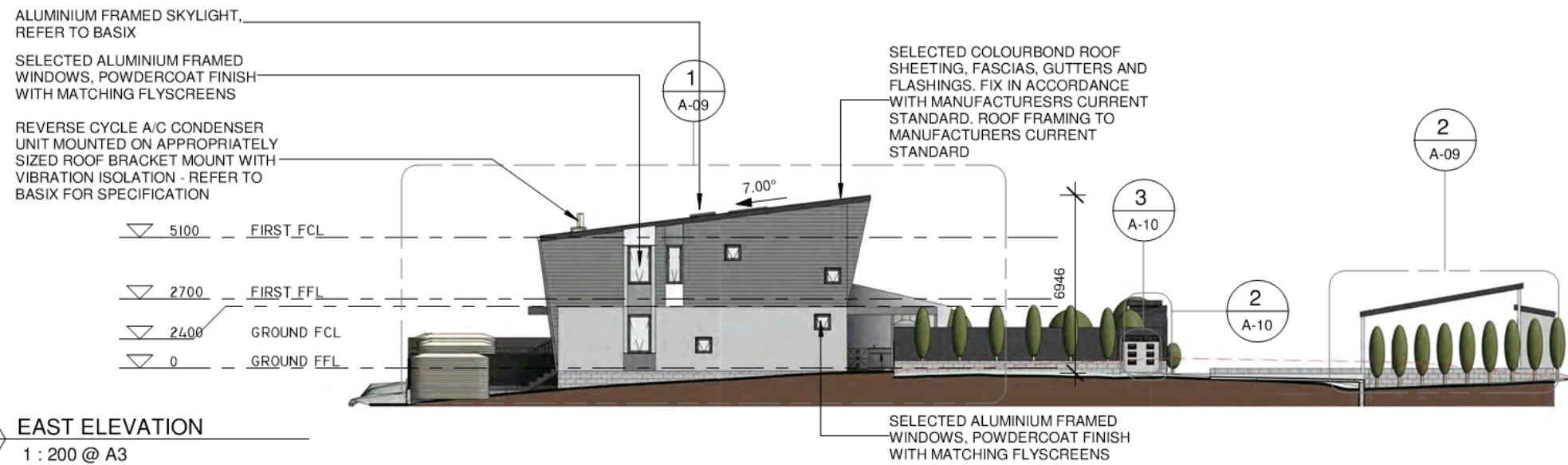
DRAWING TITLE	SITE PLAN
LOT AND DEPOSITED PLAN NO.	LOT 156 DP 248976
STREET ADDRESS	10 BEN BULLEN PLACE GOULBURN NSW 2580

DRAWING COMMENCED	01/21	DRAWING VERIFIED BY	T.L.
DRAWING SCALE	As indicated	DRAWN BY	AH
AT SHEET SIZE	A3 SHEET	JOB NUMBER	0220-1205
DRAWING IDENTIFICATION NUMBER	A-02	AMENDMENT ISSUE	E

7/07/2021 11:51:37 AM



1 NORTH ELEVATION
1 : 200 @ A3



2 EAST ELEVATION
1 : 200 @ A3

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DRAWING AMENDMENTS			PROJECT TITLE	TIM LEE ARCHITECTS <small>residential commercial industrial</small> P: 02 4822 5934 ABN: 71 425067537 ROSS PLACE GOULBURN NSW 2580 NOMINATED ARCHITECT: TIM LEE NSW REG: 7304 ACT REG: 1030	DRAWING TITLE	DRAWING COMMENCED	DRAWING VERIFIED BY
REVISION	DESCRIPTION	DATE	7 LOT COMMUNITY TITLE SUBDIVISION AND MULTI UNIT DEVELOPMENT		ELEVATIONS 1	01/21	T.L.
A B E	DEVELOPMENT APPLICATION ADDITIONAL INFORMATION COUNCIL REF - BINS AND PARKING	08/02/2021 10/03/2021 07/07/2021	CLIENT BRAU INVESTMENTS	LOT AND DEPOSITED PLAN NO. LOT 156 DP 248976	DRAWING SCALE 1 : 200 AT SHEET SIZE A3 SHEET	DRAWN BY AH	
<small>Figured dimensions take precedence. Do not scale drawings. Builder to check all levels datum and dimensions on the job, conflicting information to be resolved by the project manager prior to commencing work. All materials and workmanship to be in strict accordance with current Australian standards, BCA, Local regulation and manufacturers current printed instructions. Unless noted otherwise use only best quality materials, fittings and fixtures. COPYRIGHT TIM LEE ARCHITECTS Drawings subject to copyright and may not be reproduced in any form without the written permission of the architect.</small>			STREET ADDRESS 10 BEN BULLEN PLACE GOULBURN NSW 2580	DRAWING IDENTIFICATION NUMBER A-07	JOB NUMBER 0220-1205	AMENDMENT ISSUE E	

7/07/2021 11:51:45 AM

SELECTED COLOURBOND ROOF SHEETING, FASCIAS, GUTTERS AND FLASHINGS. FIX IN ACCORDANCE WITH MANUFACTURERS CURRENT STANDARD. ROOF FRAMING TO MANUFACTURERS CURRENT STANDARD

ALUMINIUM FRAMED SKYLIGHT, REFER TO BASIX

SELECTED ALUMINIUM FRAMED WINDOWS, POWDERCOAT FINISH WITH MATCHING FLYSCREENS

METER BOX AND NBN CONNECTION

4
A-10

REVERSE CYCLE A/C CONDENSER UNIT MOUNTED ON APPROPRIATELY SIZED ROOF BRACKET MOUNT WITH VIBRATION ISOLATION - REFER TO BASIX FOR SPECIFICATION

FIRST FCL 5100

FIRST FFL 2700

GROUND FCL 2400

GROUND FFL 0

RETAINING WALL TO ENGINEERS SPECIFICATION

1 SOUTH ELEVATION
1 : 200 @ A3

SELECTED ALUMINIUM FRAMED WINDOWS, POWDERCOAT FINISH WITH MATCHING FLYSCREENS
ALUMINIUM FRAMED SKYLIGHT, REFER TO BASIX

REVERSE CYCLE A/C CONDENSER UNIT MOUNTED ON APPROPRIATELY SIZED ROOF BRACKET MOUNT WITH VIBRATION ISOLATION - REFER TO BASIX FOR SPECIFICATION

100SHS3 TO ENGINEERS SPECIFICATION

7.00°

FIRST FCL 5100

FIRST FFL 2700

GROUND FCL 2400


GROUND FFL 0

RETAINING WALL TO ENGINEERS SPECIFICATION

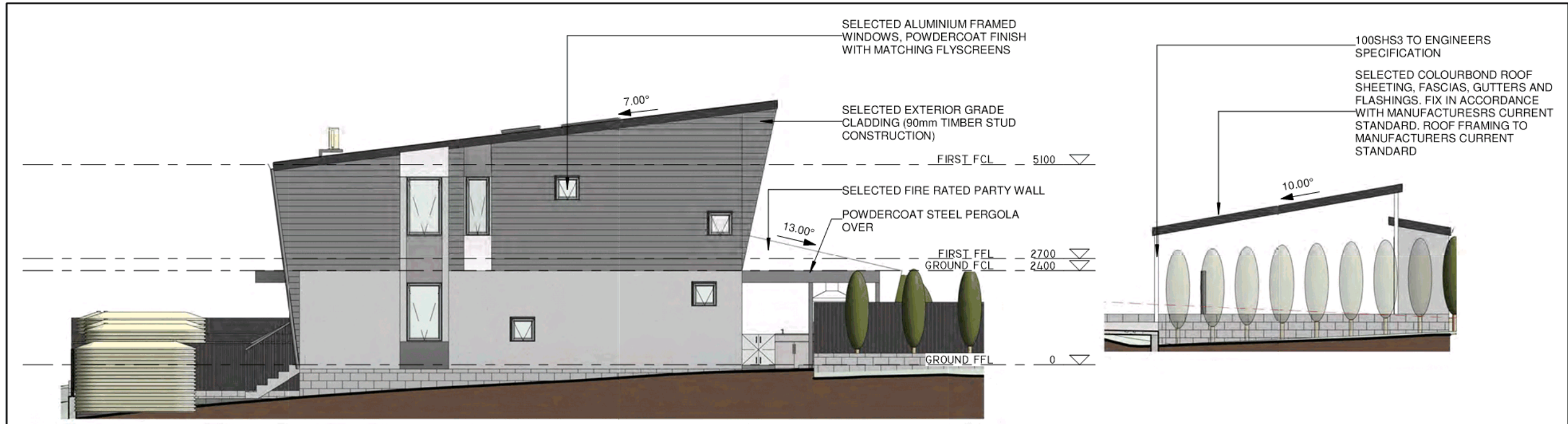
SELECTED EXTERIOR GRADE CLADDING (90mm TIMBER STUD CONSTRUCTION)

2 WEST ELEVATION
1 : 200 @ A3

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DRAWING AMENDMENTS			PROJECT TITLE 7 LOT COMMUNITY TITLE SUBDIVISION AND MULTI UNIT DEVELOPMENT	 residential commercial industrial P: 02 4822 5934 ABN: 71 425067537 ROSS PLACE GOULBURN NSW 2580 NOMINATED ARCHITECT: TIM LEE NSW REG: 7304 ACT REG: 1030	DRAWING TITLE ELEVATIONS 2	DRAWING COMMENCED 01/21	DRAWING VERIFIED BY TL
REVISION A B	DESCRIPTION DEVELOPMENT APPLICATION ADDITIONAL INFORMATION	DATE 08/02/2021 10/03/2021	CLIENT BRAU INVESTMENTS		LOT AND DEPOSITED PLAN NO. LOT 156 DP 248976	DRAWING SCALE 1 : 200 AT SHEET SIZE A3 SHEET	DRAWN BY AH
Figured dimensions take precedence. Do not scale drawings. Builder to check all levels datum and dimensions on the job, conflicting information to be resolved by the project manager prior to commencing work. All materials and workmanship to be in strict accordance with current Australian standards, BCA, Local regulation and manufacturers current printed instructions. Unless noted otherwise use only best quality materials, fittings and fixtures. COPYRIGHT TIM LEE ARCHITECTS Drawings subject to copyright and may not be reproduced in any form without the written permission of the architect.				STREET ADDRESS 10 BEN BULLEN PLACE GOULBURN NSW 2580	DRAWING IDENTIFICATION NUMBER A-08	AMENDMENT ISSUE B	

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1 DETAIL EAST ELEVATION
1 : 100 @ A3

2 DETAIL PARKING EAST ELEVATION
1 : 100 @ A3

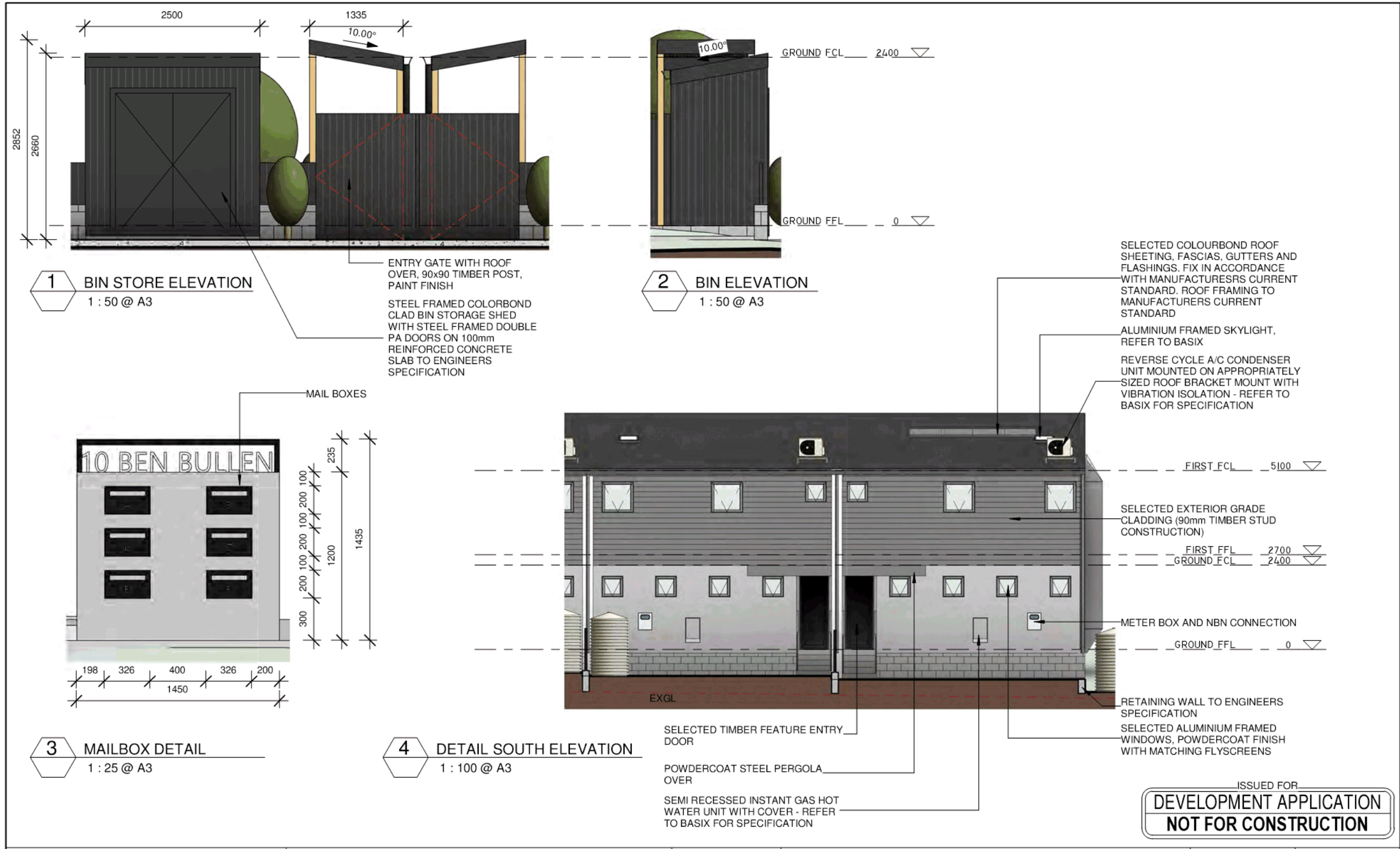


3 DETAIL NORTH ELEVATION
1 : 100 @ A3

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DRAWING AMENDMENTS			PROJECT TITLE 7 LOT COMMUNITY TITLE SUBDIVISION AND MULTI UNIT DEVELOPMENT	TIM LEE ARCHITECTS residential commercial industrial P: 02 4822 5934 ABN: 71 425067537 ROSS PLACE GOULBURN NSW 2580 NOMINATED ARCHITECT: TIM LEE NSW REG: 7304 ACT REG: 1030	DRAWING TITLE DETAIL ELEVATIONS	DRAWING COMMENCED 01/21	DRAWING VERIFIED BY TL
REVISION A B	DESCRIPTION DEVELOPMENT APPLICATION ADDITIONAL INFORMATION	DATE 08/02/2021 10/03/2021	CLIENT BRAU INVESTMENTS		LOT AND DEPOSITED PLAN NO. LOT 156 DP 248976	DRAWING SCALE 1 : 100 AT SHEET SIZE A3 SHEET	DRAWN BY AH
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DRAWING AMENDMENTS			PROJECT TITLE 7 LOT COMMUNITY TITLE SUBDIVISION AND MULTI UNIT DEVELOPMENT	TIM LEE ARCHITECTS residential commercial industrial P: 02 4822 5934 ABN: 71 425067537 ROSS PLACE GOULBURN NSW 2580 NOMINATED ARCHITECT: TIM LEE NSW REG: 7304 ACT REG: 1030	DRAWING TITLE DETAIL ELEVATION 2	DRAWING COMMENCED 01/21	DRAWING VERIFIED BY TL
REVISION A Z	DESCRIPTION DEVELOPMENT APPLICATION COUNCIL RPT - BDNs AND PARKING	DATE 08/02/2021 07/07/2021	CLIENT BRAU INVESTMENTS		LOT AND DEPOSITED PLAN NO. LOT 156 DP 248976	DRAWING SCALE As indicated AT SHEET SIZE A3 SHEET	DRAWN BY AH
<small>Figured dimensions take precedence. Do not scale drawings. Builder to check all levels datum and dimensions on the job, conflicting information to be resolved by the project manager prior to commencing work. All materials and workmanship to be in strict accordance with current Australian standards, BCA, Local regulation and manufacturers current printed instructions. Unless noted otherwise use only best quality materials, fittings and fixtures. COPYRIGHT TIM LEE ARCHITECTS Drawings subject to copyright and may not be reproduced in any form without the written permission of the architect.</small>				STREET ADDRESS 10 BEN BULLEN PLACE GOULBURN NSW 2580	DRAWING IDENTIFICATION NUMBER A-10	AMENDMENT ISSUE E	

7/07/2021 11:51:51 AM

LANDSCAPING NOTES

- EXCAVATE TO A DEPTH OF 300mm. BREAK UP SUBGRADE A FURTHER 100mm AND BACKFILL WITH TOPSOIL MIXTURE. PROVIDE 1:100 FALL TO BASE OF BED WITH 100 PVC SUBSOIL DRAIN IN BLUE METAL CONNECTED TO ROOF AND YARD DRAINAGE SYSTEM.
- PROVIDE HOSE COCKS FOR WATERING AT 30cm CENTRES FAILURES TO BE REPLACED AND WEEDS REMOVED ON REGULAR BASIS.
- PLANT STOCK TO BE OF GOOD QUALITY, HARDENED OFF, NOT ROOT BOUND AND WITH A LEADING SHOOT IF A TREE SPECIES, FREE OF PESTS AND DISEASE.
- PLANTS TO BE SPACED TO ENSURE INTERLOCKING OF CANOPIES BY 10-20% FOR SHRUBS AND 30-40% FOR GROUND COVER.
- MULCHING OF PLANTING BED TO BE 75mm THICK TAKING CARE TO CLEAR MULCH FROM STEMS.
- SOIL TREATMENT: WHERE TOP SOIL HAS BEEN STRIPPED, APPLY GYPSUM 300g/m sq. AFTER REPLACING TOPSOIL TO 300mm DEEP. APPLY LIME AT 200g/m sq. AND ENSURE PH IS 5.5-6.5. APPLY A LOW 9NKPS FERTILISER AT 100g/m sq.
- AREAS INDICATED GRASSED TO BE ROTARY HOED THROUGH 100mm TOPSOIL AND FIRST QUALITY TURF TO BE ROLLED, TAMPED, WATERED AND TOP DRESSED. REMOVE IRREGULARITIES AND MOW AT FORTNIGHTLY INTERVALS.

LOT 1 - COMMUNITY	730.61 m ²	LOT 2 NORTH POS AREA	114.36 m ²
LOT 2	257.24 m ²	LOT 3 NORTH POS AREA	102.45 m ²
LOT 3	211.15 m ²	LOT 4 NORTH POS AREA	102.45 m ²
LOT 4	211.15 m ²	LOT 5 NORTH POS AREA	102.45 m ²
LOT 5	211.15 m ²	LOT 6 NORTH POS AREA	102.45 m ²
LOT 6	211.15 m ²	LOT 7 NORTH POS AREA	125.11 m ²
LOT 7	257.85 m ²	LOT 2 SOUTH POS AREA	29.88 m ²
SITE AREA	2090.32 m ²	LOT 3 SOUTH POS AREA	23.77 m ²
		LOT 4 SOUTH POS AREA	24.05 m ²
		LOT 5 SOUTH POS AREA	24.33 m ²
		LOT 6 SOUTH POS AREA	24.33 m ²
		LOT 7 SOUTH POS AREA	30.52 m ²
		COMMON LANDSCAPED AREA	106.33 m ²

PLANT SCHEDULE GMC DCP - APPENDIX B : PLANTING	SYMBOL	QTY	POT SIZE	COMMON	BOTANICAL
				CANTURF CANBERRA BLEND WITH CLOVER	TALL FINE FESCUE & KENTUCKY BLUEGRASS WITH 5% O'CONNOR'S STRAWBERRY CLOVER ADDED.
			4.5 LITRE POT, SPACED AT MAX. 900mm APART	'RED ROBIN'	PHOTINIA
		15	10 LITRE POT, SPACED AS SHOWN ON PLAN	'SILVER BIRCH'	BETULA PENDULA
		9	30 LITRE POT, SPACED AS SHOWN ON PLANS	'CHINESE PISTACHIO'	PISTACIA CHINENSIS
		9	4.5 LITRE POT, SPACED AT MAX. 1.5m WITHIN PLANT BED	'BRONZE RAMBLER'	PROTEACEAE GREVILLEA

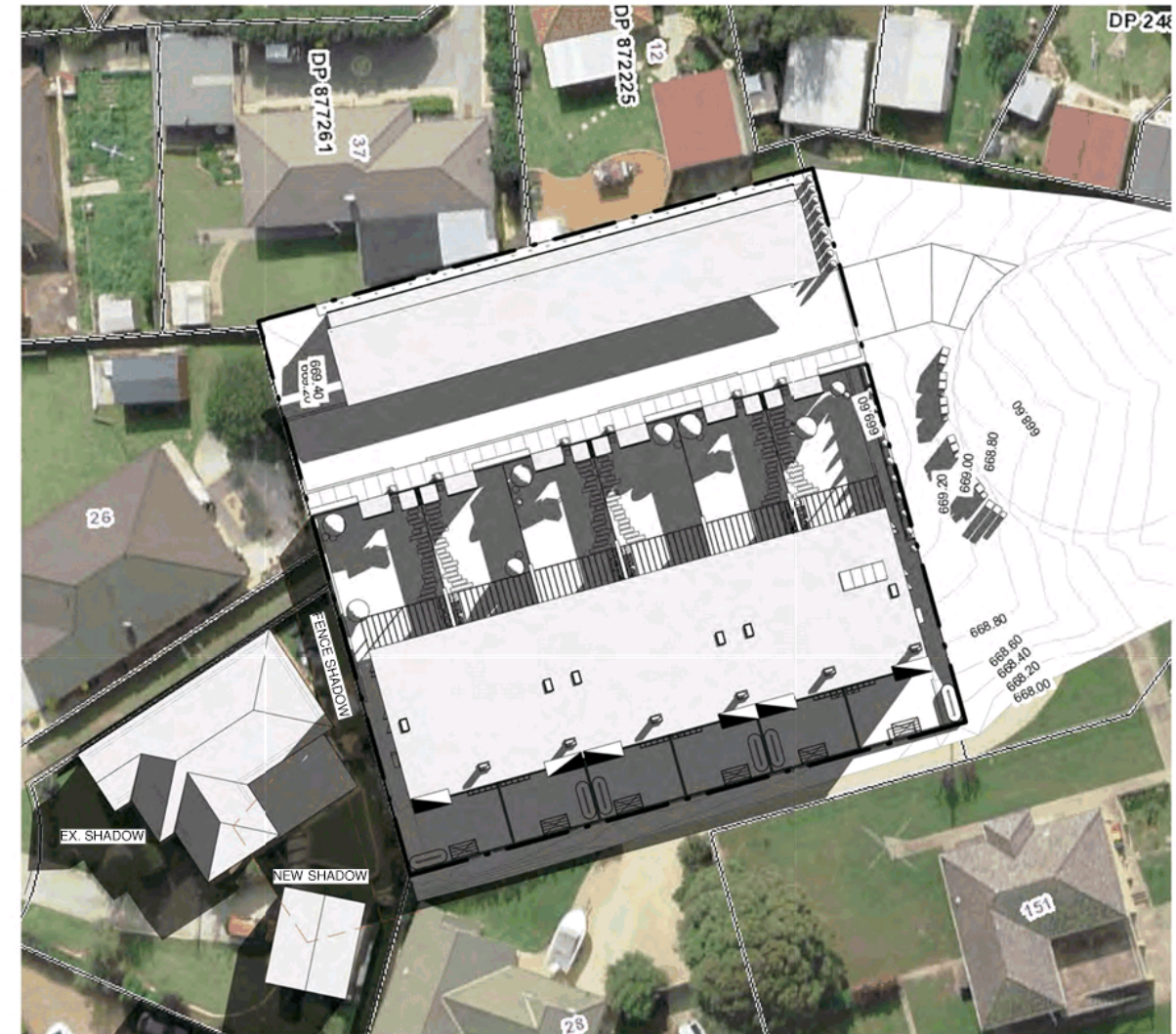
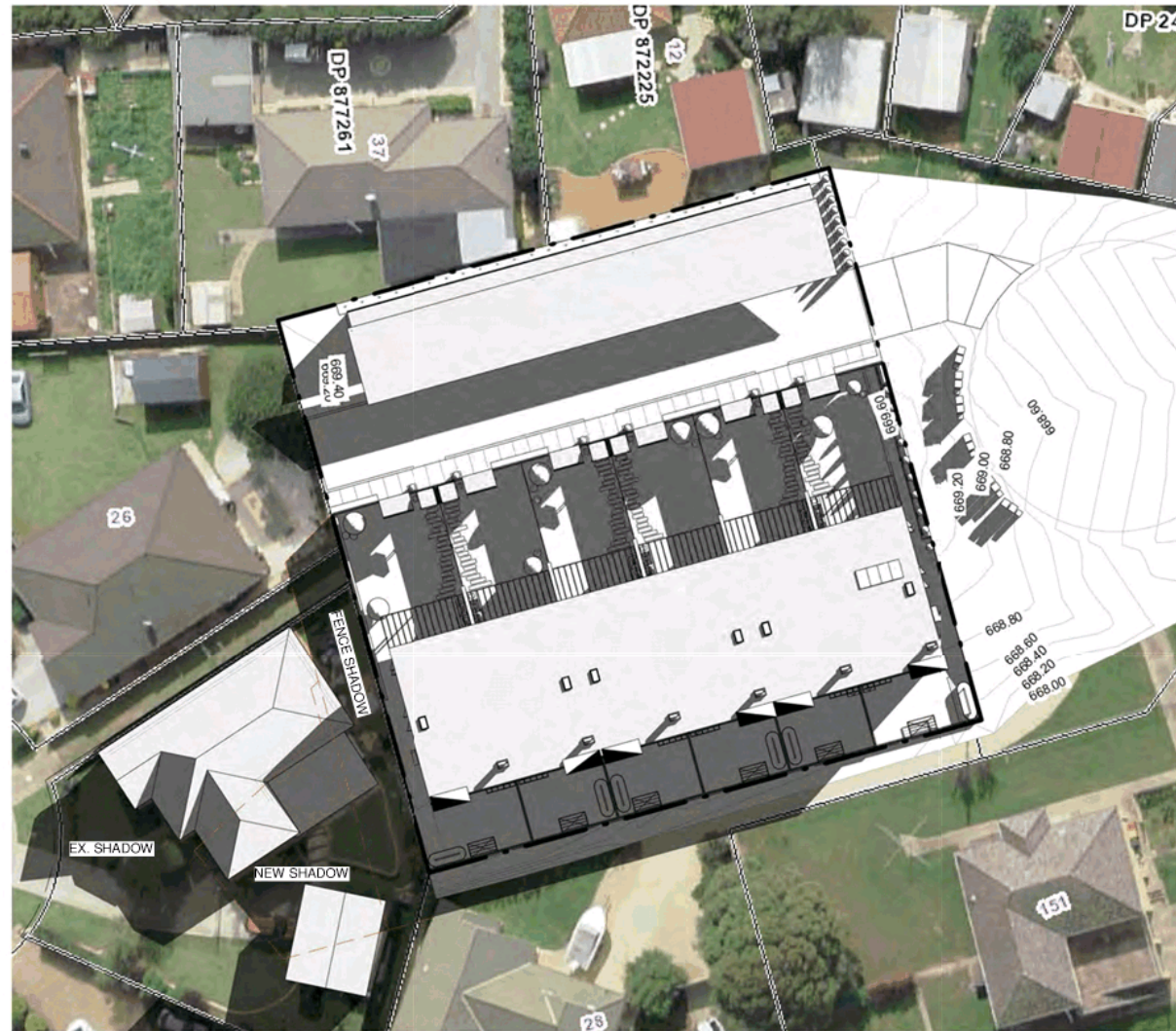
NOTE : FINAL PLANTING OF PLANTS TO BE IN ACCORDANCE WITH SUPPLIER'S CURRENT RECOMMENDED INSTRUCTIONS & SPACINGS.



1 LANDSCAPE PLAN
1 : 250 @ A3

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DRAWING AMENDMENTS			PROJECT TITLE 7 LOT COMMUNITY TITLE SUBDIVISION AND MULTI UNIT DEVELOPMENT	TIM LEE ARCHITECTS residential commercial industrial P: 02 4822 5934 ABN: 71 425067537 ROSS PLACE GOULBURN NSW 2580 NOMINATED ARCHITECT: TIM LEE NSW REG. 7304 ACT REG. 1030	DRAWING TITLE LANDSCAPE PLAN	DRAWING COMMENCED 01/21	DRAWING VERIFIED BY T.L.
REVISION A B C E	DESCRIPTION DEVELOPMENT APPLICATION ADDITIONAL INFORMATION COUNCIL REF COUNCIL REF - BINS AND PARKING	DATE 08/02/2021 10/03/2021 03/05/2021 07/07/2021	CLIENT BRAU INVESTMENTS		LOT AND DEPOSITED PLAN NO. LOT 156 DP 248976	DRAWING SCALE As indicated AT SHEET SIZE A3 SHEET	DRAWN BY AH
7/07/2021 11:51:56 AM			Figured dimensions take precedence. Do not scale drawings. Builder to check all levels datum and dimensions on the job, conflicting information to be resolved by the project manager prior to commencing work. All materials and workmanship to be in strict accordance with current Australian standards, BCA, Local regulation and manufacturers current printed instructions. Unless noted otherwise use only best quality materials, fittings and fixtures. COPYRIGHT TIM LEE ARCHITECTS Drawings subject to copyright and may not be reproduced in any form without the written permission of the architect.	STREET ADDRESS 10 BEN BULLEN PLACE GOULBURN NSW 2580	DRAWING IDENTIFICATION NUMBER A-13	AMENDMENT ISSUE E	




1 SHADOW DIAGRAM - WINTER SOLSTICE 9AM
1 : 500 @ A3

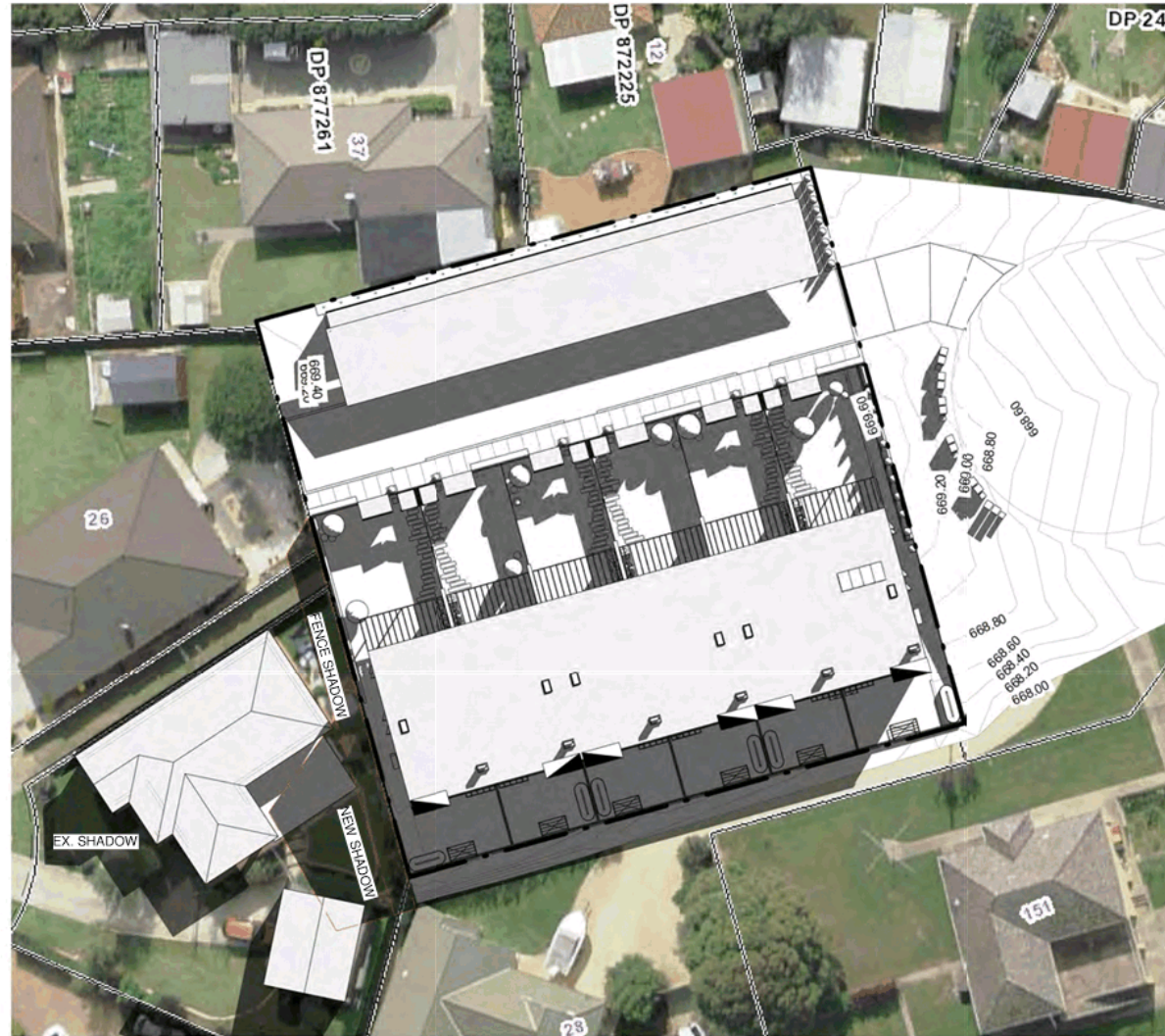
2 SHADOW DIAGRAM - WINTER SOLSTICE 9.30AM
1 : 500 @ A3



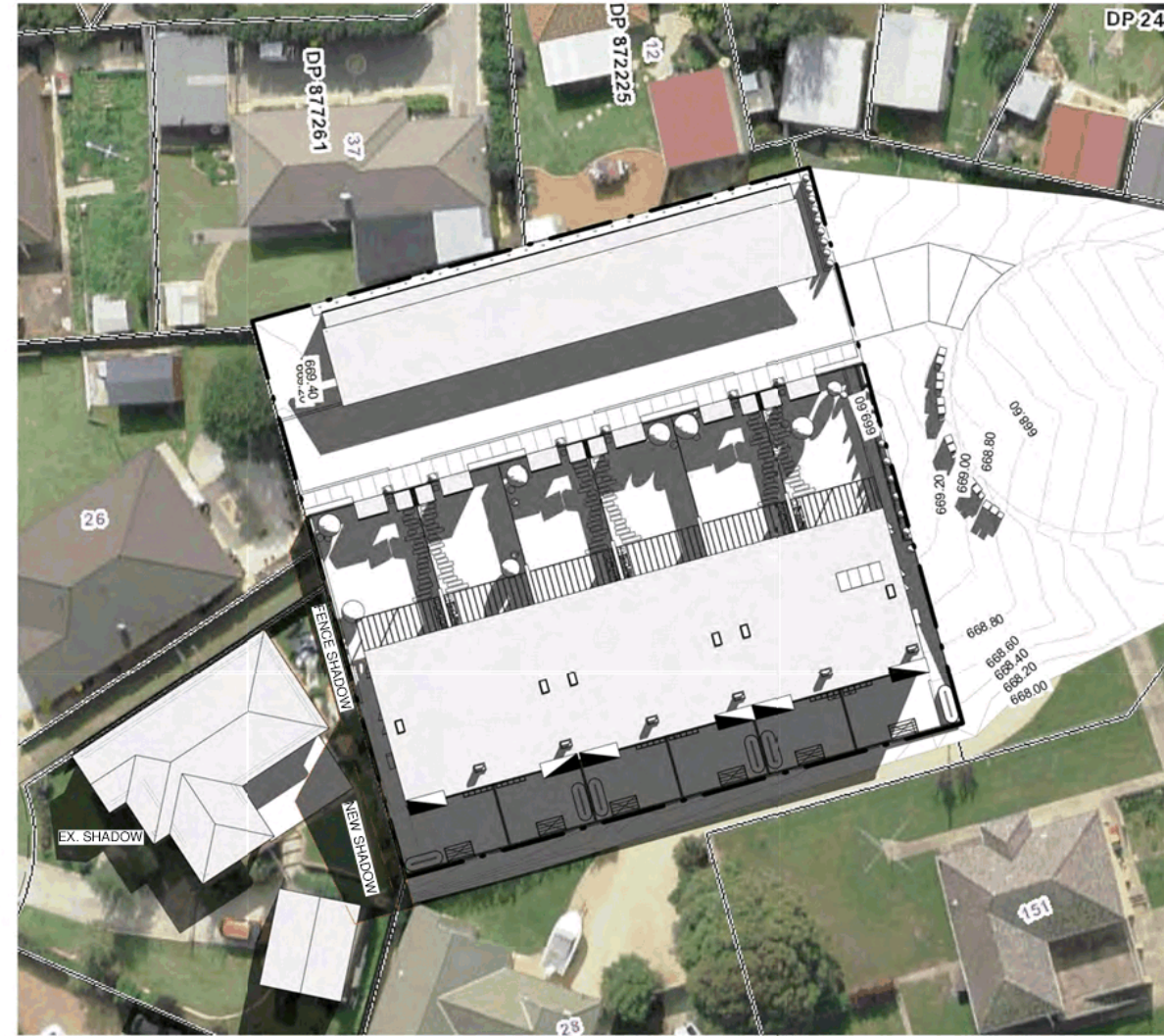
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DRAWING AMENDMENTS			PROJECT TITLE	 TIM LEE ARCHITECTS <small>residential commercial industrial</small> P: 02 4822 5934 ABN: 71 425067537 ROSS PLACE GOULBURN NSW 2580 NOMINATED ARCHITECT: TIM LEE NSW REG: 7304 ACT REG: 1030	DRAWING TITLE	DRAWING COMMENCED	DRAWING VERIFIED BY
REVISION	DESCRIPTION	DATE	7 LOT COMMUNITY TITLE SUBDIVISION AND MULTI UNIT DEVELOPMENT		SHADOW DIAGRAMS	01/21	TL
B D	ADDITIONAL INFORMATION COUNCIL RFI - SHADOWS	10/03/2021 02/07/2021	CLIENT BRAU INVESTMENTS	LOT AND DEPOSITED PLAN NO. LOT 156 DP 248976	DRAWING SCALE 1 : 500 AT SHEET SIZE A3 SHEET	DRAWN BY AH	
<small>Figured dimensions take precedence. Do not scale drawings. Builder to check all levels datum and dimensions on the job, conflicting information to be resolved by the project manager prior to commencing work. All materials and workmanship to be in strict accordance with current Australian standards, BCA, Local regulation and manufacturers current printed instructions. Unless noted otherwise use only best quality materials, fittings and fixtures. COPYRIGHT TIM LEE ARCHITECTS Drawings subject to copyright and may not be reproduced in any form without the written permission of the architect.</small>			STREET ADDRESS 10 BEN BULLEN PLACE GOULBURN NSW 2580		DRAWING IDENTIFICATION NUMBER A-20	JOB NUMBER 0220-1205	
					AMENDMENT ISSUE D		

7/07/2021 11:52:01 AM




1 SHADOW DIAGRAM - WINTER SOLSTICE 10AM
1 : 500 @ A3



2 SHADOW DIAGRAM - WINTER SOLSTICE 10.30AM
1 : 500 @ A3



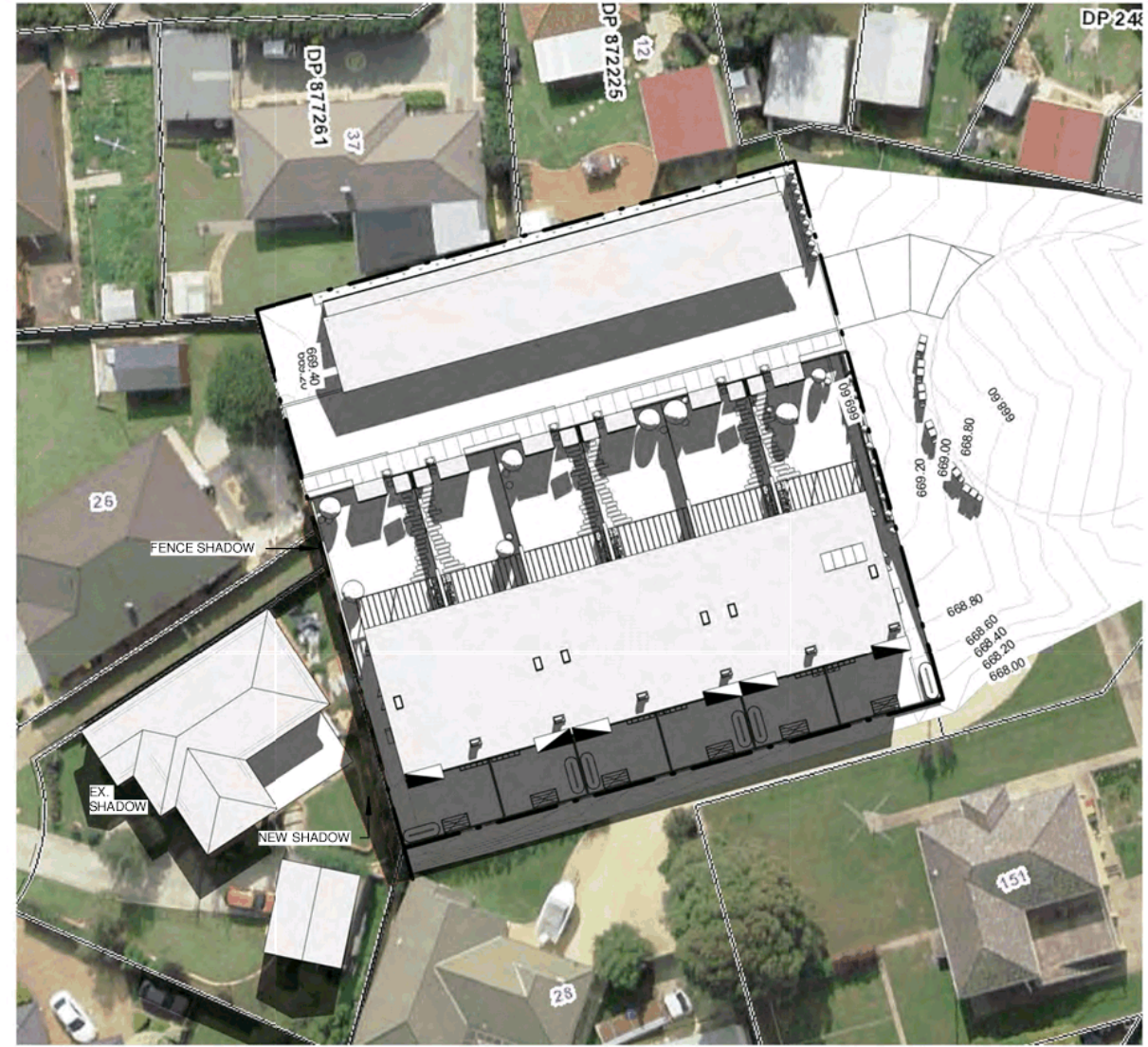
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DEVELOPMENT APPLICATION
NOT FOR CONSTRUCTION

DRAWING AMENDMENTS			PROJECT TITLE 7 LOT COMMUNITY TITLE SUBDIVISION AND MULTI UNIT DEVELOPMENT		 residential commercial industrial P: 02 4822 5934 ABN: 71 425067537 ROSS PLACE GOULBURN NSW 2580 NOMINATED ARCHITECT: TIM LEE NSW REG: 7304 ACT REG: 1030	DRAWING TITLE SHADOW DIAGRAMS		DRAWING COMMENCED 01/21	DRAWING VERIFIED BY TL
REVISION B D	DESCRIPTION ADDITIONAL INFORMATION COUNCIL RFI - SHADOWS	DATE 10/03/2021 02/07/2021	CLIENT BRAU INVESTMENTS			LOT AND DEPOSITED PLAN NO. LOT 156 DP 248976	DRAWING SCALE 1 : 500 AT SHEET SIZE A3 SHEET	DRAWN BY AH	JOB NUMBER 0220-1205
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1 SHADOW DIAGRAM - WINTER SOLSTICE 11 AM
1 : 500 @ A3



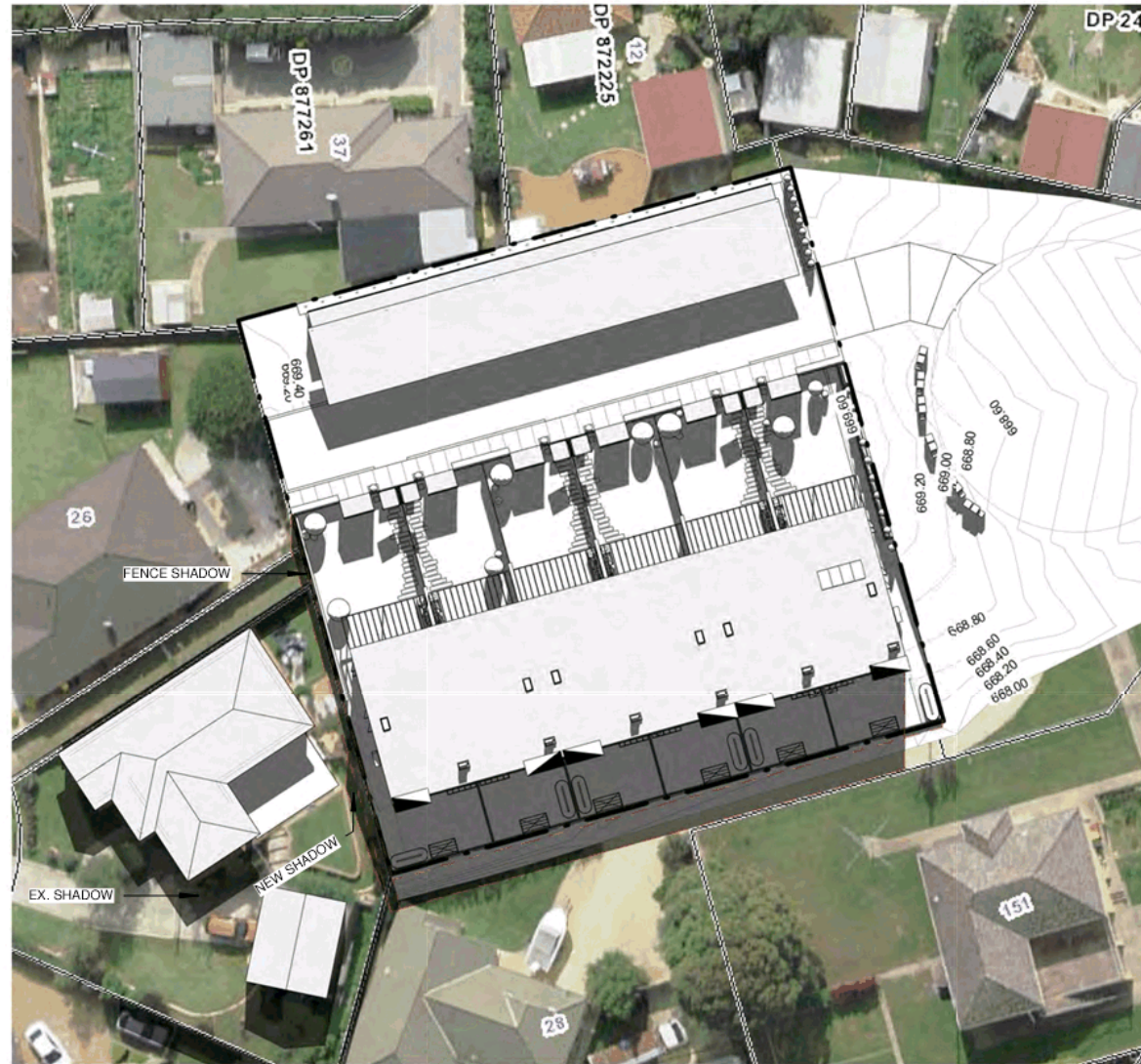
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1 : 500 @ A3



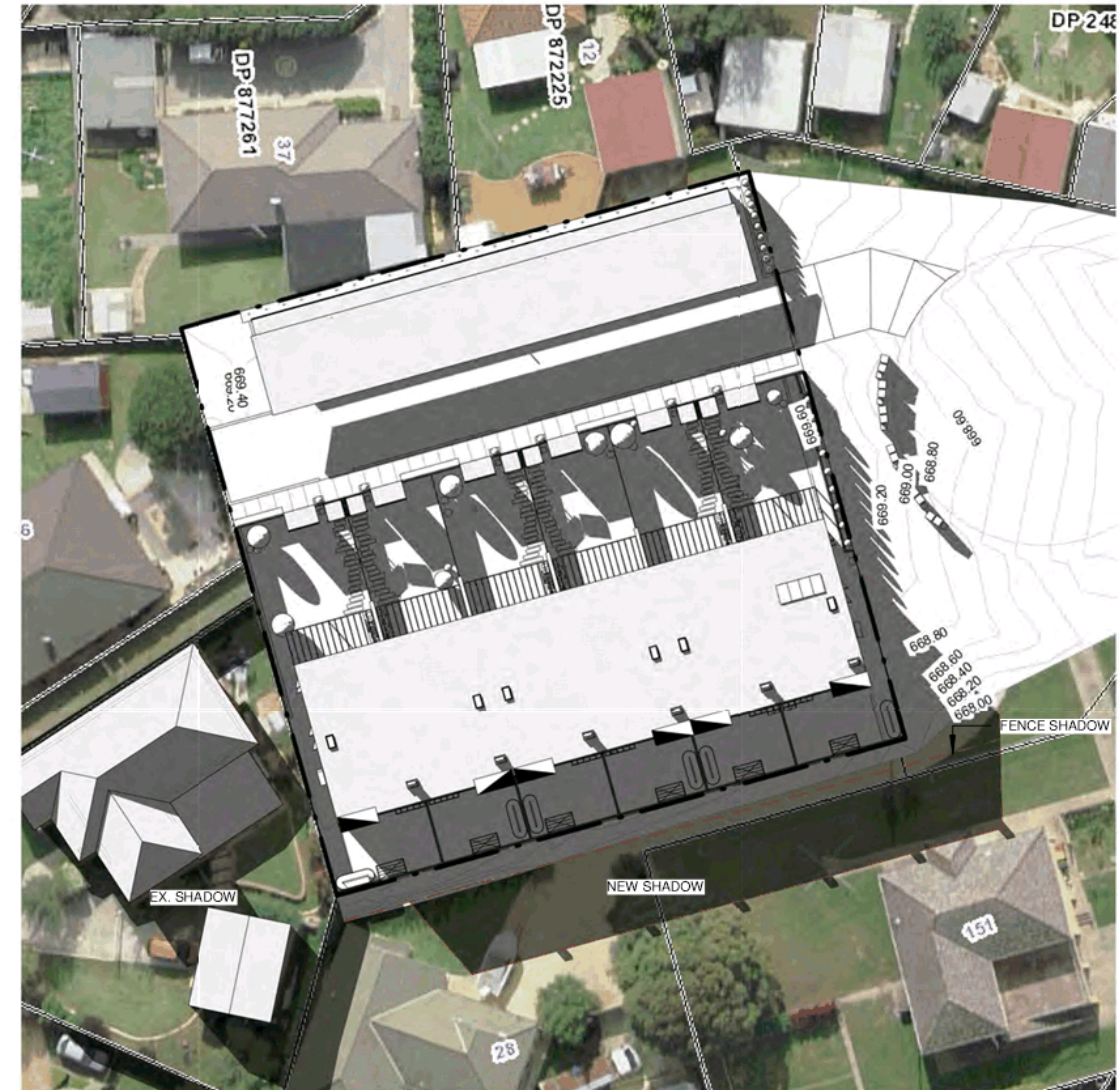
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DRAWING AMENDMENTS			PROJECT TITLE		DRAWING TITLE		DRAWING COMMENCED		DRAWING VERIFIED BY	
REVISION	DESCRIPTION	DATE	7 LOT COMMUNITY TITLE SUBDIVISION AND MULTI UNIT DEVELOPMENT		SHADOW DIAGRAMS		01/21		TL	
B D	ADDITIONAL INFORMATION COUNCIL REF - SHADOWS	10/03/2021 02/07/2021	CLIENT BRAU INVESTMENTS		LOT AND DEPOSITED PLAN NO. LOT 156 DP 248976		DRAWING SCALE 1 : 500 AT SHEET SIZE A3 SHEET		DRAWN BY AH	
<small>Figured dimensions take precedence. Do not scale drawings. Builder to check all levels datum and dimensions on the job, conflicting information to be resolved by the project manager prior to commencing work. All materials and workmanship to be in strict accordance with current Australian standards, BCA, Local regulation and manufacturers current printed instructions. Unless noted otherwise use only best quality materials, fittings and fixtures. COPYRIGHT TIM LEE ARCHITECTS Drawings subject to copyright and may not be reproduced in any form without the written permission of the architect.</small>			<small>P: 02 4822 5934 ABN: 71 425067537 ROSS PLACE GOULBURN NSW 2580</small> <small>NOMINATED ARCHITECT: TIM LEE NSW REG: 7304 ACT REG: 1030</small>		STREET ADDRESS 10 BEN BULLEN PLACE GOULBURN NSW 2580		DRAWING IDENTIFICATION NUMBER A-22		JOB NUMBER 0220-1205	
									AMENDMENT ISSUE D	

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1 SHADOW DIAGRAM - WINTER SOLSTICE 12PM
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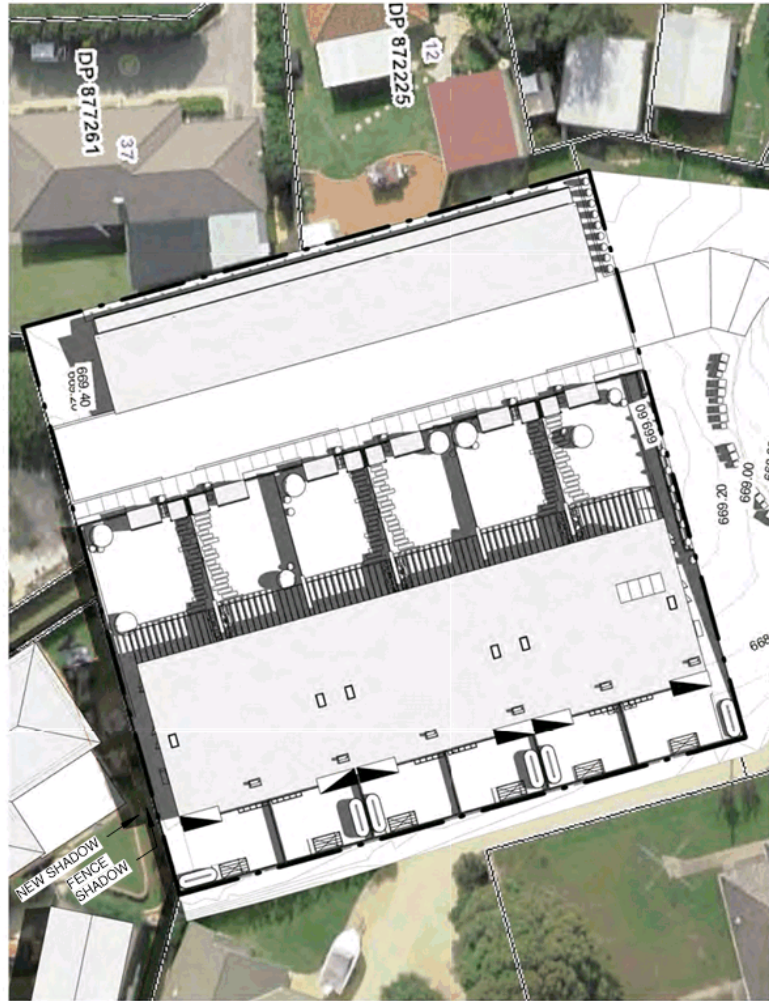
2 SHADOW DIAGRAM - WINTER SOLSTICE 3PM
1 : 500 @ A3



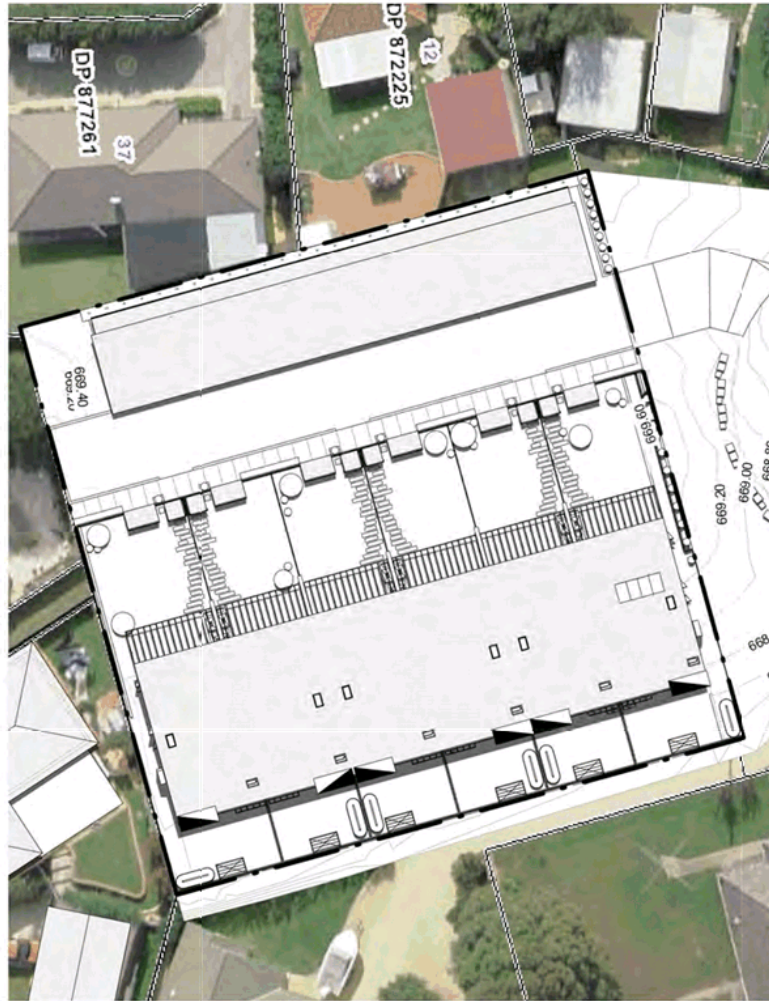
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DRAWING AMENDMENTS			PROJECT TITLE		DRAWING TITLE		DRAWING COMMENCED		DRAWING VERIFIED BY	
REVISION	DESCRIPTION	DATE	7 LOT COMMUNITY TITLE SUBDIVISION AND MULTI UNIT DEVELOPMENT		SHADOW DIAGRAMS		01/21		TL	
B D	ADDITIONAL INFORMATION COUNCIL REF - SHADOWS	10/03/2021 02/07/2021	CLIENT BRAU INVESTMENTS		LOT AND DEPOSITED PLAN NO. LOT 156 DP 248976		DRAWING SCALE 1 : 500 AT SHEET SIZE A3 SHEET		DRAWN BY AH	
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			<small>NOMINATED ARCHITECT: TIM LEE NSW REG. 7304 ACT REG. 1030</small>				<small>AMENDMENT ISSUE D</small>			

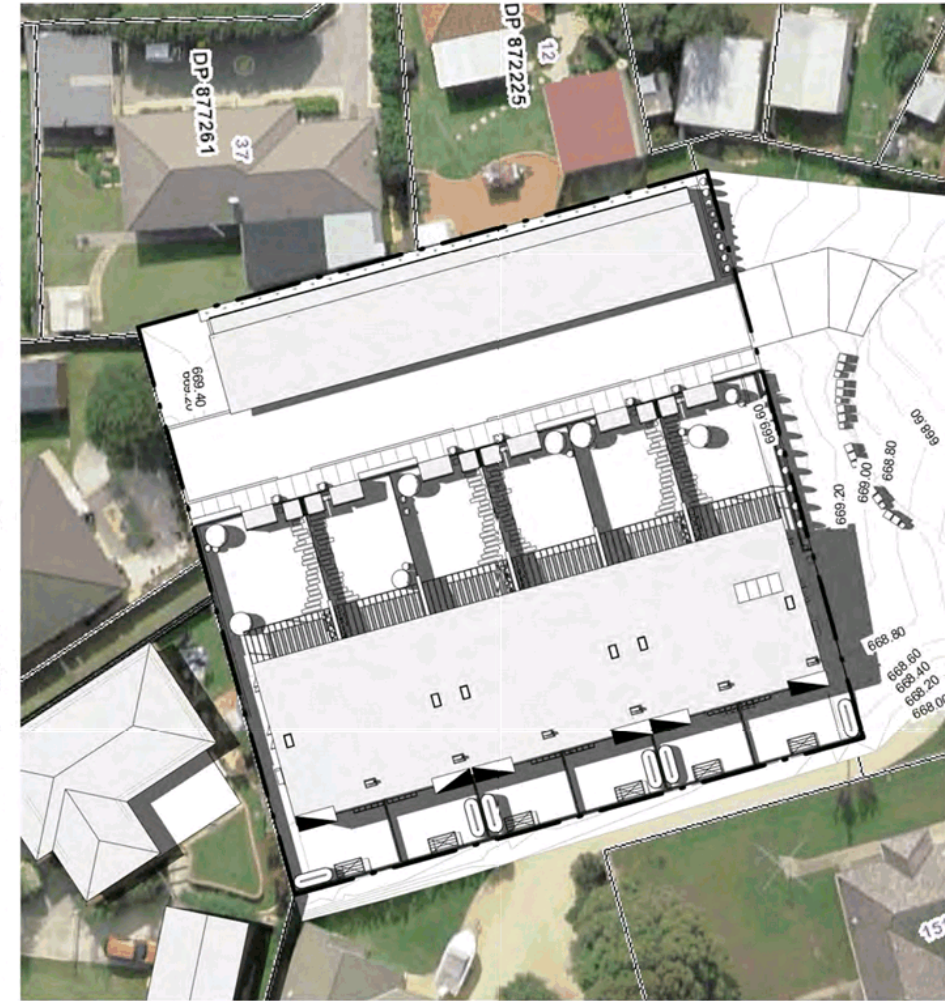
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1 SHADOW DIAGRAM - SUMMER SOLSTICE 9AM
1 : 500 @ A3




2 SHADOW DIAGRAM - SUMMER SOLSTICE 12PM
1 : 500 @ A3



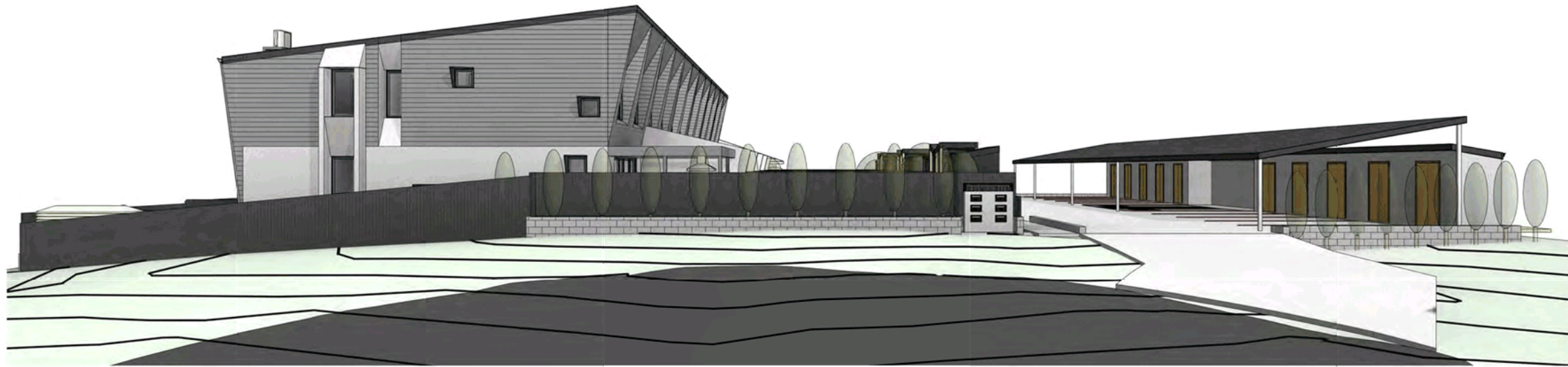
3 SHADOW DIAGRAM - SUMMER SOLSTICE 3PM
1 : 500 @ A3



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DRAWING AMENDMENTS			PROJECT TITLE 7 LOT COMMUNITY TITLE SUBDIVISION AND MULTI UNIT DEVELOPMENT	 TIM LEE ARCHITECTS residential commercial industrial P: 02 4822 5934 ABN: 71 425067537 ROSS PLACE GOULBURN NSW 2580 NOMINATED ARCHITECT: TIM LEE NSW REG: 7304 ACT REG: 1030	DRAWING TITLE SHADOW DIAGRAMS	DRAWING COMMENCED 01/21	DRAWING VERIFIED BY TL
REVISION B D	DESCRIPTION ADDITIONAL INFORMATION COUNCIL RFI - SHADOWS	DATE 10/03/2021 02/07/2021	CLIENT BRAU INVESTMENTS		LOT AND DEPOSITED PLAN NO. LOT 156 DP 248976	DRAWING SCALE 1 : 500 AT SHEET SIZE A3 SHEET	DRAWN BY AH
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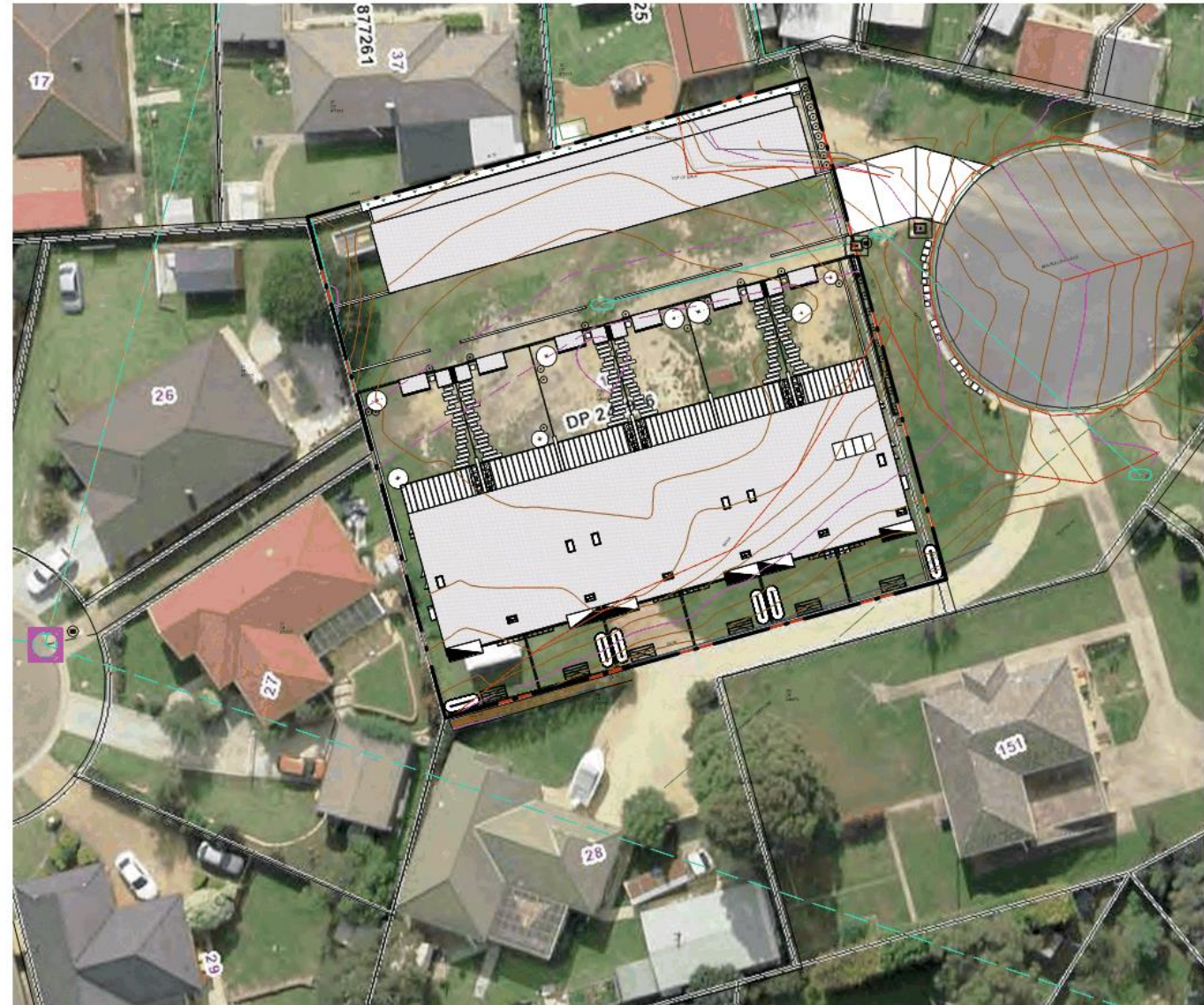
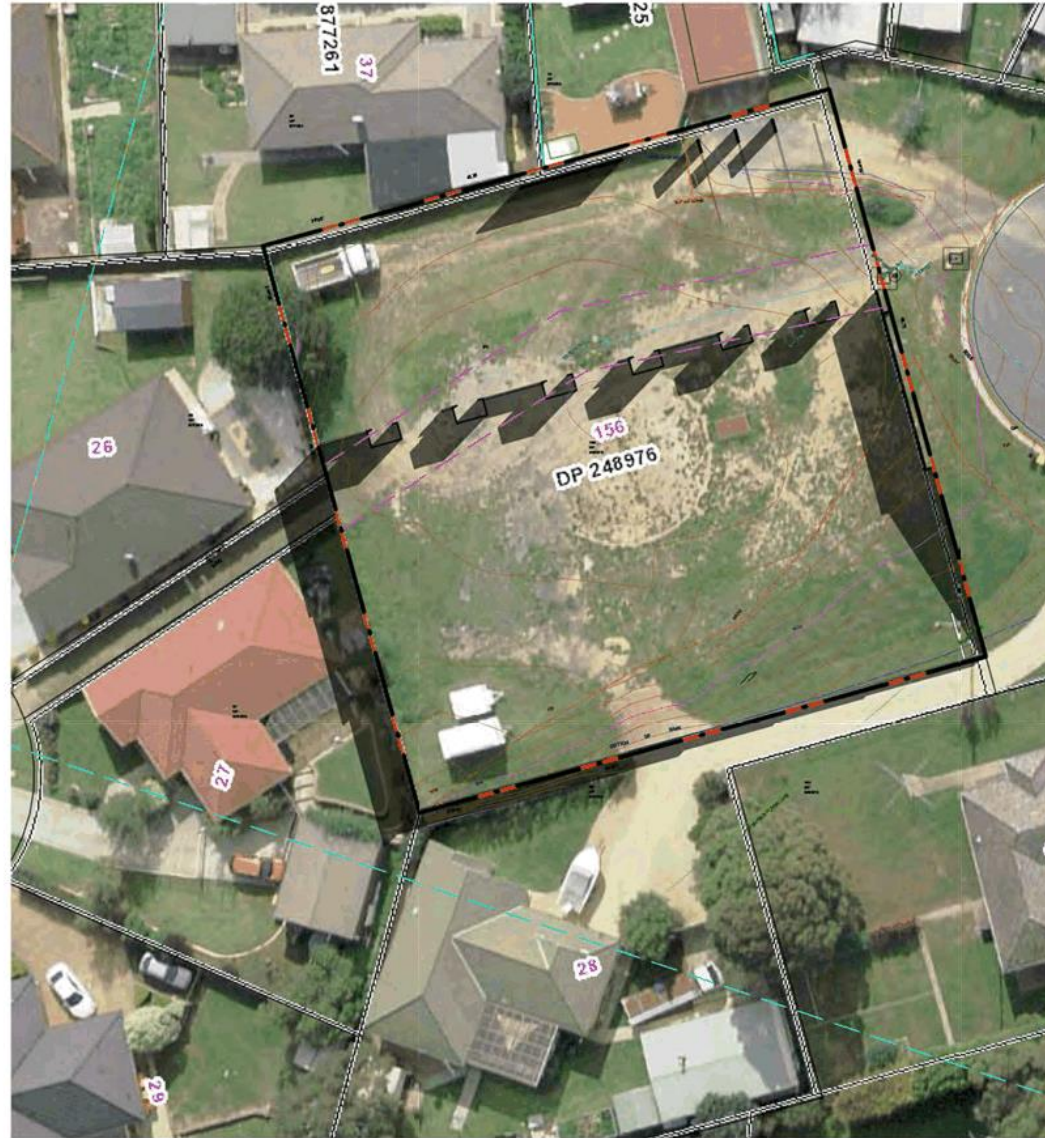
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1 STREET PERSPECTIVE
@ A3

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DEVELOPMENT APPLICATION
NOT FOR CONSTRUCTION

DRAWING AMENDMENTS			PROJECT TITLE 7 LOT COMMUNITY TITLE SUBDIVISION AND MULTI UNIT DEVELOPMENT		DRAWING TITLE STREET ELEVATION		DRAWING COMMENCED 01/21		DRAWING VERIFIED BY TL	
REVISION B C E	DESCRIPTION ADDITIONAL INFORMATION COUNCIL REF COUNCIL REF - BINS AND PARKING	DATE 10/03/2021 03/05/2021 07/07/2021	CLIENT BRAU INVESTMENTS		LOT AND DEPOSITED PLAN NO. LOT 156 DP 248976		DRAWING SCALE		DRAWN BY AH	
<small>Figured dimensions take precedence. Do not scale drawings. Builder to check all levels datum and dimensions on the job, conflicting information to be resolved by the project manager prior to commencing work. All materials and workmanship to be in strict accordance with current Australian standards, BCA, Local regulation and manufacturers current printed instructions. Unless noted otherwise use only best quality materials, fittings and fixtures. COPYRIGHT TIM LEE ARCHITECTS Drawings subject to copyright and may not be reproduced in any form without the written permission of the architect.</small>			<small>P: 02 4822 5934 ABN: 71 425067537 ROSS PLACE GOULBURN NSW 2580</small>		<small>NOMINATED ARCHITECT: TIM LEE NSW REG: 7304 ACT REG: 1030</small>		AT SHEET SIZE A3 SHEET		JOB NUMBER 0220-1205	
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1 EXISTING SITE CONTEXT PLAN WINTER SOLSTICE
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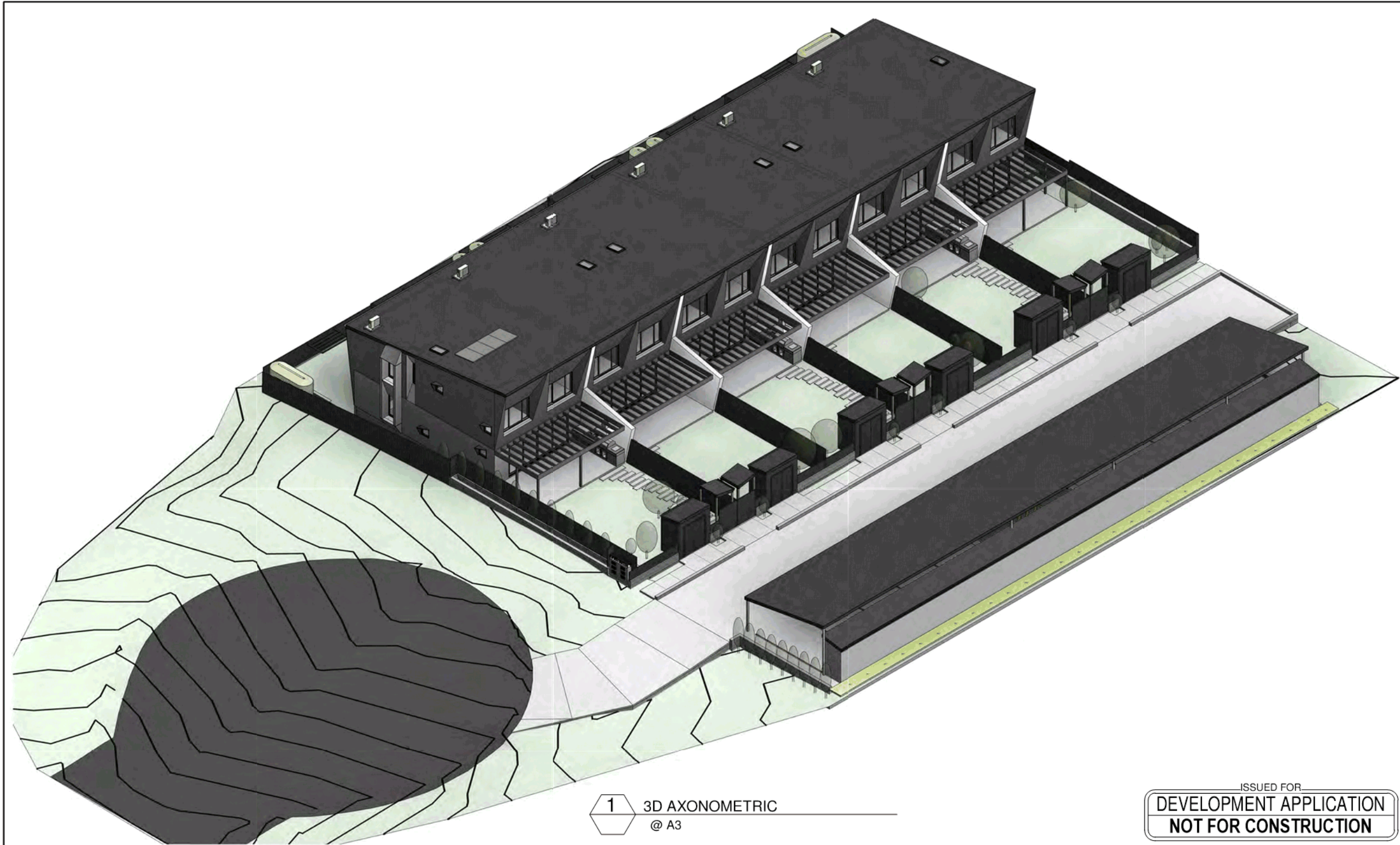
2 PROPOSED SITE CONTEXT PLAN
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DRAWING AMENDMENTS			PROJECT TITLE	 TIM LEE ARCHITECTS <small>residential commercial industrial</small>	DRAWING TITLE	DRAWING COMMENCED	DRAWING VERIFIED BY
REVISION	DESCRIPTION <small>ADDITIONAL INFORMATION</small>	DATE	7 LOT COMMUNITY TITLE SUBDIVISION AND MULTI UNIT DEVELOPMENT		P: 02 4822 5934 ABN: 71 425067537 ROSS PLACE GOULBURN NSW 2580	SITE CONTEXT PLAN	01/21
5		10/03/2021	CLIENT BRAU INVESTMENTS	NOMINATED ARCHITECT: TIM LEE NSW REG. 7304 ACT REG. 1030	LOT AND DEPOSITED PLAN NO. LOT 156 DP 248976	DRAWING SCALE 1 : 500 <small>AT SHEET SIZE</small> A3 SHEET	DRAWN BY AH JOB NUMBER 0220-1205
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DRAWING AMENDMENTS			PROJECT TITLE 7 LOT COMMUNITY TITLE SUBDIVISION AND MULTI UNIT DEVELOPMENT		TIM LEE ARCHITECTS residential commercial industrial		DRAWING TITLE 3DS1		DRAWING COMMENCED 01/21		DRAWING VERIFIED BY T.L.	
REVISION A B	DESCRIPTION DEVELOPMENT APPLICATION ADDITIONAL INFORMATION	DATE 08/02/2021 10/03/2021	CLIENT BRAU INVESTMENTS		P: 02 4822 5934 ABN: 71 425067537 ROSS PLACE GOULBURN NSW 2580		LOT AND DEPOSITED PLAN NO. LOT 156 DP 248976		DRAWING SCALE		DRAWN BY AH	
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									DRAWING IDENTIFICATION NUMBER CP01		AMENDMENT ISSUE B	

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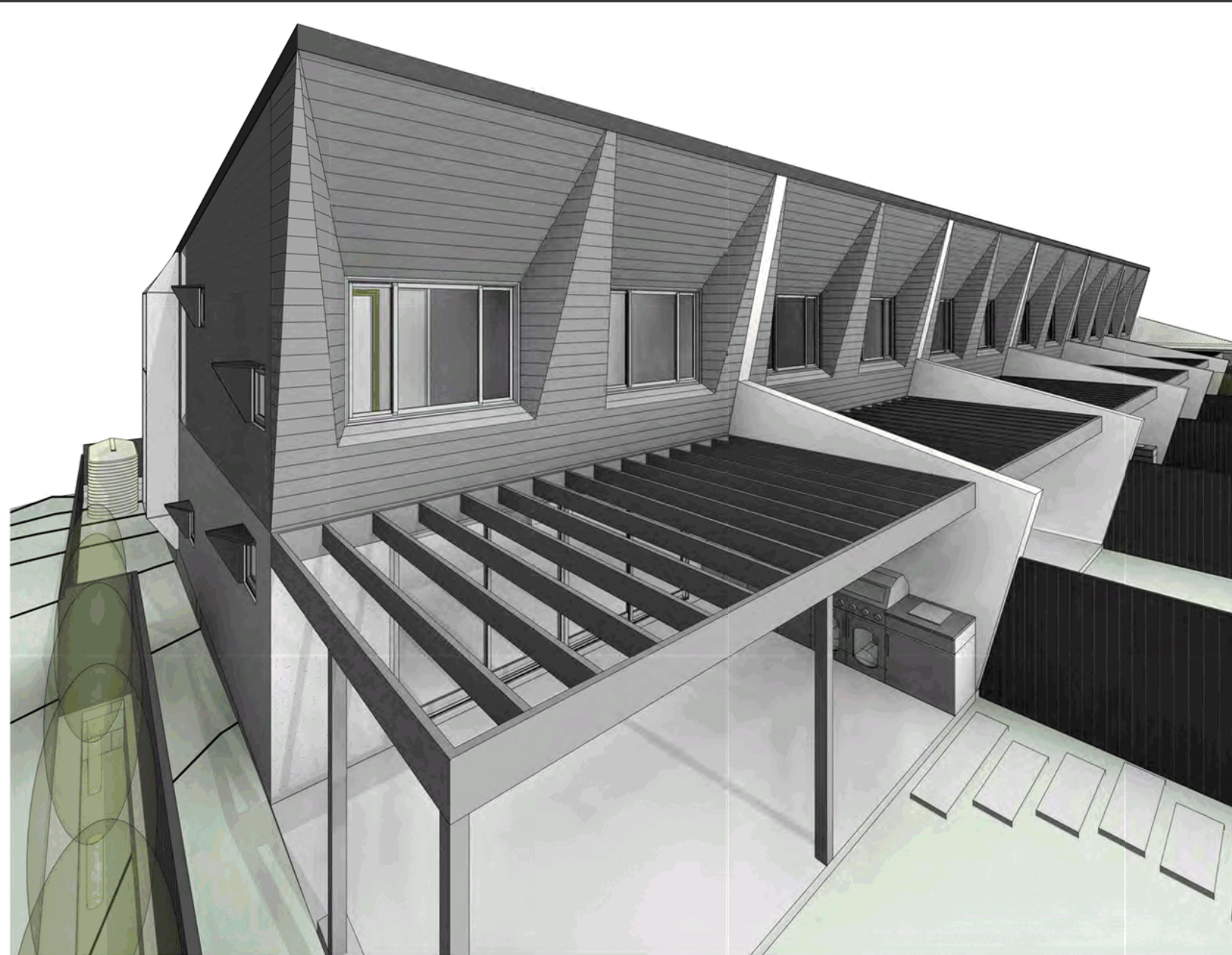


2 3D View 2
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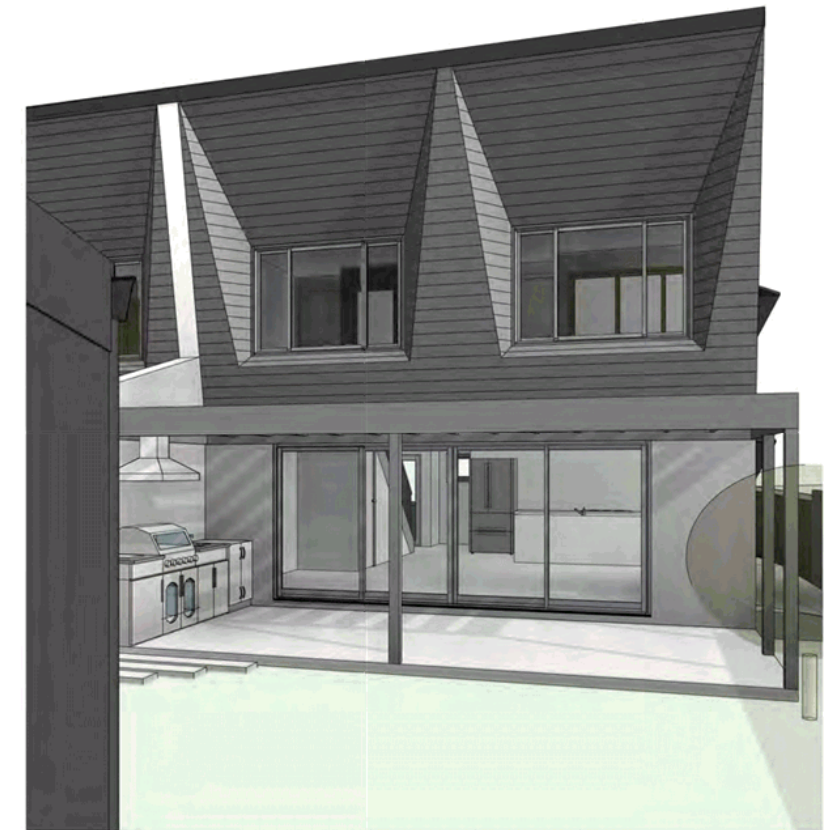
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DRAWING AMENDMENTS			PROJECT TITLE	 TIM LEE ARCHITECTS <small>residential commercial industrial</small>	DRAWING TITLE	DRAWING COMMENCED	DRAWING VERIFIED BY
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A B	DEVELOPMENT APPLICATION ADDITIONAL INFORMATION	08/02/2021 10/03/2021	CLIENT BRAU INVESTMENTS		LOT AND DEPOSITED PLAN NO. LOT 156 DP 248976	DRAWING SCALE	DRAWN BY AH
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				<small>NOMINATED ARCHITECT: TIM LEE NSW REG. 7304 ACT REG. 1030</small>	STREET ADDRESS 10 BEN BULLEN PLACE GOULBURN NSW 2580	DRAWING IDENTIFICATION NUMBER CP02	AMENDMENT ISSUE B

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1 3D View 3
@ A3



2 3D View 5
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REVISION	DESCRIPTION	DATE	7 LOT COMMUNITY TITLE SUBDIVISION AND MULTI UNIT DEVELOPMENT		P: 02 4822 5934 ABN: 71 425067537 ROSS PLACE GOULBURN NSW 2580	3DS3	01/21
A B	DEVELOPMENT APPLICATION ADDITIONAL INFORMATION	08/02/2021 10/03/2021	CLIENT BRAU INVESTMENTS	NOMINATED ARCHITECT: TIM LEE NSW REG: 7304 ACT REG: 1030	LOT AND DEPOSITED PLAN NO. LOT 156 DP 248976	DRAWING SCALE A3 SHEET	DRAWN BY AH
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						DRAWING IDENTIFICATION NUMBER CP03	AMENDMENT ISSUE B

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Statement of Environmental Effects

Accompanying a development application for

Proposed Multi Unit Development and Community Title Subdivision

At

Lot 156 DP 248976

10 Ben Bullen Place Goulburn NSW 2580

February 2021

Statement of Environmental Effects
Proposed Multi Unit and Community Title Subdivision 10 Ben Bullen Place

Contents

1. Introduction	Page 3
2. Site description and analysis	Page 4
3. Details of proposal	Page 13
4. Clause 4.15 – Matters for consideration	Page 13
5. Other considerations	Page 24
6. Conclusion	Page 26

Statement of Environmental Effects
Proposed Multi Unit and Community Title Subdivision 10 Ben Bullen Place

1. Introduction

This Statement of Environmental Effects has been prepared by Tim Lee Architects to accompany a development application for the proposed 7 lot multi-unit development and community title subdivision at 10 Ben Bullen Place Goulburn NSW 2580. The application is being lodged by Tim Lee Architects on behalf of the Owner Brau Investments Pty Ltd, pursuant to Clause 4.12 of the Environmental Planning and Assessment Act 1979.

The proposal has been designed to achieve the relevant provisions of Goulburn Mulwaree Council Local Environment Plan 2009 as amended, and Clause 4.15 of the Environmental Planning and Assessment Act 1979 (as amended).

The existing allotment at the subject address is within an existing established residential subdivision in Goulburn. The land was previously owned by Goulburn Mulwaree Council and was part of Goulburn's water supply infrastructure. The lot is currently vacant. The proposal is to develop a series of attached 3 bedroom 2 storey dwellings with separate parking structure and large private open space to the North. The lot will then become a 7 lot community title subdivision.

This statement has been prepared having regard to the following documentation:

- Architectural documentation set prepared by Tim Lee Architects
- Survey information prepared by of CPC Land Developments
- Stormwater Management plan prepared by Adams & Associates Hydraulics
- Hydraulic documentation prepared by Adams & Associates Hydraulics
- Basix/ Nathers Assessment prepared by ACT Sustainable Systems.

Statement of Environmental Effects
Proposed Multi Unit and Community Title Subdivision 10 Ben Bullen Place

2. Site description and analysis

2.1 Location and property description



General aerial site view (six maps)

Statement of Environmental Effects
 Proposed Multi Unit and Community Title Subdivision 10 Ben Bullen Place



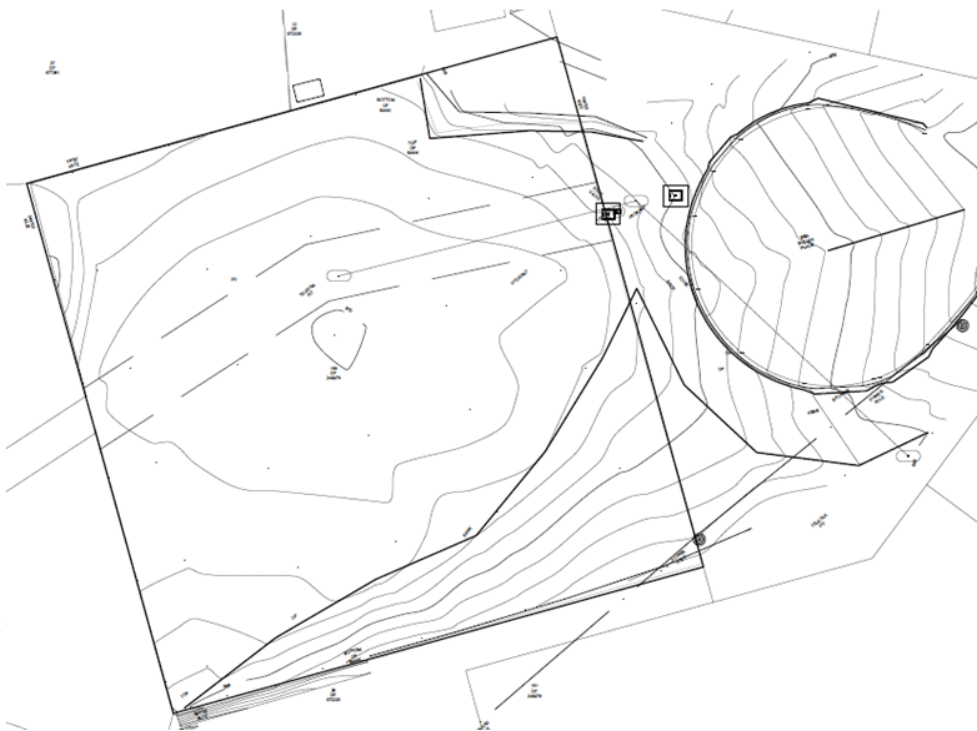
Detail aerial view (six maps)

The site is located in the Bradfordville area of the city.
 The orientation and shape are perfect for the proposed development type.

2.2 Site characteristics

The site is currently vacant and is located on a low hill surrounded by established residential development.
 The site's high point is central to the boundaries with a roll off to the north of 800mm, to the west of 300mm to the south of 1.6m and rising from Ben Bullen Place approximately 2.5m.
 There is no significant vegetation on the property.
 There is a substantial easement for water supply 5m wide running through the top 1/3 of the property (refer to the attached site plan)

Statement of Environmental Effects
 Proposed Multi Unit and Community Title Subdivision 10 Ben Bullen Place



Site plan extract – CPC land developments

2.3 Surrounding development

The surrounding development in the street consists of predominantly single storey detached dwellings with established gardens. There is a large 2 storey dwelling to the West adjoining the allotment.

Materials vary from masonry to sheet claddings with the predominant construction brick and tile roofed dwellings.

The dwellings on either side of the subject site are full masonry construction with sheet steel and tiled roofs.

The dwellings opposite the site are of similar make up, masonry and weatherboard the material choices.

Statement of Environmental Effects
Proposed Multi Unit and Community Title Subdivision 10 Ben Bullen Place



Photo 1 Aerial View



Photo 2
Approach along Ben Bullen Place

Statement of Environmental Effects
Proposed Multi Unit and Community Title Subdivision 10 Ben Bullen Place



Photo 3
View to Lots 26 and 27



Photo 4
View to Lot 28 – The lots access drive runs along the sites southern boundary.

Statement of Environmental Effects
Proposed Multi Unit and Community Title Subdivision 10 Ben Bullen Place



Photo 5
Lot 28 Southern boundary drive access



Photo 6
Lots 12 and 37 to the north of the site. Note the roll off to Ben Bullen Place.

Statement of Environmental Effects
Proposed Multi Unit and Community Title Subdivision 10 Ben Bullen Place



Photo 7
Garages for lots 153 and 152



Photo 8
View to the South toward Lot 28's access and Lot 151. Lot 151 will be served by the row of recently planted and now established vegetation.

Statement of Environmental Effects
Proposed Multi Unit and Community Title Subdivision 10 Ben Bullen Place



Photo 9
View to the North East at Ben Bullen Place.



Photo 9
View looking down Ben Bullen Place to the east.

Statement of Environmental Effects
 Proposed Multi Unit and Community Title Subdivision 10 Ben Bullen Place



Photo 10
 View for the drive of lot 28 looking North West from the lowest point on the lot.

3. Details of proposal

3.1 Proposed works

Subdivision

- The proposed subdivision will be a 7 lot Community Title subdivision
 Lot 1 will be the unit access drive and associated parking, bin and landscaped areas
 Lot 2 - 7 will be the new dwellings

Construction works

- Construct 6 new dwellings to the southern portion of the property
- The private open space for the new units will be located to provide the best possible solar access. All private open space will be to the North of each dwelling. The average area will be 100sqm including a deck and outdoor kitchen area.
- Each unit will have the required 10000L rainwater storage and a utility space of approximately 30sqm for the clothesline, tank and storage areas. Rain gardens will also be in this utility space.
- Each proposed unit will be 3 bedrooms with living areas located on the main and upper floors.

Statement of Environmental Effects
Proposed Multi Unit and Community Title Subdivision 10 Ben Bullen Place

- A common covered carport structure with lockable secure storage area will locate all vehicles to the northern boundary of the property.
- Roofs of the units have been angled to fall to the south to minimise the overshadowing of the South Western and Southern Lots.
- Landscaping, fencing and pathways as required and detailed on the drawing set will be provided.

4 Clause 4.15 -Matters for consideration

The following provides an assessment of the proposal against the provisions of Clause 4.15 of the Environmental Planning and Assessment Act (as amended).

(a) the provisions of:

(b) (i) any environmental planning instruments

State Environmental Planning Policies

[State Environmental Planning Policy No 55—Remediation of Land](#)

20.1 Previous land uses

Research on the site has provided no record of the subject land being used for any contaminating activity in the past 30 years. The previous immediate use (since the 1950's) has been Council infrastructure (Town Water Header Tank).

5.13.2 Adjoining Land Uses

Adjoining land uses on all sides of the subject allotment are residential.

5.13.3 Site Inspection

A site inspection was carried out in September 2020.
A visual inspection was carried out to identify the presence of any rubbish tips, mounds, holes or bare ground that could possibly indicate landfill or materials that may or may not contain contaminants. No obvious contamination on the subject land was identified.

There is an existing steel framed pit that once contained valves associated with the water tank, this is now empty. There is no evidence of any form of contaminant on the subject property.

5.13.4 Potentially Contaminating Activities

There are no known potentially contaminating activities that would have related to the prior use of the site.

5.13.5 Remediation Activities

Statement of Environmental Effects
Proposed Multi Unit and Community Title Subdivision 10 Ben Bullen Place

There is no information that the land has been subject to any notices concerning the need for remediation of the site. There is no information to indicate that the land has been subject to voluntary remediation by any prior landowner.

5.13.6 Contaminated Land Assessment Summary

From this assessment there appears to be no visible signs of contamination or potential contamination on the land which is the subject of the proposed development. Based on this preliminary assessment it is considered that the site is presently suitable for the proposed multi-unit residential development.

[State Environmental Planning Policy \(Building Sustainability Index: BASIX\) 2004](#)

Separate assessment under the Basix tool is provided as an attachment. Nathers assessment has also been completed for the glazing elements.

[State Environmental Planning Policy \(Sydney Drinking Water Catchment\) 2011](#)

Separate assessment of NORBE is provided in the attached Stormwater management plan produced by Adams and Associates.

Local Environmental Plan

Goulburn Mulwaree Local Environment Plan 2009 as amended.

The site is Zoned R2 Low Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To maintain the economic strength of commercial centres by limiting the retailing of food and clothing.

2 Permitted without consent

Home occupations; Roads

3 Permitted with consent

Boarding houses; Centre-based child care facilities; **Dwelling houses**; Group homes; Home industries; Neighbourhood shops; Oyster aquaculture; Pond-based aquaculture; Respite day care centres; Tank-based aquaculture; **Any other development not specified in item 2 or 4**

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Hostels; Marinas; Mooring pens; Moorings; Mortuaries; Open cut

Statement of Environmental Effects
Proposed Multi Unit and Community Title Subdivision 10 Ben Bullen Place

mining; Passenger transport facilities; Recreation facilities (indoor); Recreation facilities (major); Registered clubs; Research stations; Residential care facilities; Residential flat buildings; Restricted premises; Rural industries; Rural workers' dwellings; Service stations; Sewage treatment plants; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities; Wholesale supplies.

dwelling house means a building containing only one dwelling.

Note—

Dwelling houses are a type of **residential accommodation**—see the definition of that term in this Dictionary.

Multi dwelling housing is not listed in item 2 or 4 and is therefore applicable to the zoning.

multi dwelling housing means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

Note.

Multi dwelling housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

- The proposed development is permissible within the Zone

LEP Clause allowing Multi Unit and Community Title Subdivision.

4.1A Exceptions to minimum lot sizes for certain residential development

(1) The objective of this clause is to encourage housing diversity without adversely impacting on residential amenity.

(2) This clause applies to land in the following zones—

(a) Zone R1 General Residential,

(b) **Zone R2 Low Density Residential.**

(3) Despite clause 4.1, development consent may be granted to a single development application that provides for the subdivision of land and the erection of an attached dwelling or a semi-detached dwelling on each lot resulting from the subdivision, but only if the area of each resulting lot is greater than or equal to 350 square metres.

(4) Despite clause 4.1 and subclause (3), development consent may be granted to a single development application for development to which this clause applies that is both of the following—

a) the subdivision of land into 5 or more lots,

(b) the erection of an attached dwelling, a semi-detached dwelling or a dwelling house on each lot resulting from the subdivision, if the size of each lot is equal to or greater than 300 square metres.

5) This clause does not apply to land on which a heritage item is located.

The proposed development complies to the minimum allotment size allowable for multi-unit subdivision and the proposed subdivision is consistent with the requirement's for a community title multi-unit subdivision.

(iii) any development control plan

Statement of Environmental Effects
 Proposed Multi Unit and Community Title Subdivision 10 Ben Bullen Place

Compliance to the Goulburn Mulwaree DCP

Development control plan clause	DCP control	Compliance with the DCP control
3.1 Indigenous Heritage and Archaeology		Not Applicable to this proposal, refer to AHIMS Search attached
3.2 European (Non-Indigenous) Heritage Conservation		Not applicable to this development.
3.3 General Heritage Item and Conservation Area Controls		Not applicable to this development
3.4 Landscaping		Landscaping plan is required. Refer to the attached landscaping plan that is included as part of the Architectural documentation drawing set.
3.5 Vehicular access and parking	Refer to Table 3.2	
Multi dwelling housing	2 spaces per dwelling unit, plus 0.25 spaces per dwelling unit (visitor spaces) (GMC DCP Control)	Refer to the RMS guide to Traffic generating development.
	5.4.2 Medium density residential flat buildings. Definition. A medium density residential flat building is a building containing at least 2 but less than 20 dwellings. This includes villas, town houses, flats, semi-detached houses, terrace or row houses and other medium density developments. This does not include aged or disabled persons' housing. Parking. The recommended minimum number of off-street, resident parking spaces is 1 space for each unit,	Under GMC DCP table 3.2 2 spaces per dwelling are required An additional 2 visitor spaces are also included (at .25 per unit). In line with the GMC Table 3.2, this creates a large carport requiring the full width of the site. Transport NSW traffic generation guidelines. Using this code we provide 5 base parking spaces plus and additional 2 spaces. Then allow an additional 2 accessible spaces providing a total of 9 vehicle spaces. The carport is split around the accessible spaces. The lower parking provision is less intrusive and provides ample area for rain gardens, manoeuvring and bin storage area. This provides a higher level of amenity and creates a smaller less intrusive parking structure. This is the preferred layout for the proposal.

Statement of Environmental Effects
Proposed Multi Unit and Community Title Subdivision 10 Ben Bullen Place

	plus an additional 1 space per each 5 x 3 bedroom unit or part thereof. (RMS Guide to traffic Generating development)	
Sections 3.6 – 3.16		Not applicable to this development
4.1.1 Site planning, bulk, scale and density	<p>Ensure the site layout integrates with the surrounding environment through:</p> <ul style="list-style-type: none"> • adequate pedestrian, cycle and vehicle links to street and open space networks; • buildings facing streets and public open spaces; • building, streetscape and landscape design relating to the site topography and the surrounding neighbourhood character. 	<p>The site is extremely prominent within the landscape. All adjoining properties will be lower than the proposed structure. To minimise the overshadowing, the proposed design reduces the overall height of the units and sloped the roof lines to the rear (south). The buildings address the cul de sac at 90 degrees. To give a greater street presence we have added articulation into the Eastern elevation and provided a detailed masonry boundary wall. We have also added a higher level of planting to extend the line of Manchurian pears planted by the owners of the southern allotment.</p>
4.1.2 Number of storeys	Dwellings and multi dwellings are recommended to have a maximum of 2 storeys outside the statutory height mapped areas	proposed dwellings are 2 storey and attached.
4.1.3 Solar access	Residential buildings shall be designed to ensure that the proposed dwelling, adjoining residential buildings, and the major part of their landscaped open space, have at least four hours of sunlight between 9.00am and 3.00pm on 21 June (winter solstice).	<p>The east -west orientation of the duplex allows excellent solar exposure to the main living and bedroom areas. Private open space is to the north and is in full sun all day all year. The proposed development meets the solar access requirement. The adjoining lots 27 and 28 to the south west will be affected by the development, however, both existing dwellings areas of private open space will receive greater than the minimum solar exposure on the</p>

Statement of Environmental Effects
 Proposed Multi Unit and Community Title Subdivision 10 Ben Bullen Place

		winter equinox, please refer to detailed shadow diagram set.
4.1.4 Privacy	<p>Visual privacy for adjoining properties and within development projects can be achieved by:</p> <ul style="list-style-type: none"> • using windows which are narrow, translucent, or obscured • ensuring that windows do not face directly onto the windows, balconies, or courtyards of adjoining dwellings. <p>Noise generating areas of a development (e.g. driveway entrances to car parks, air conditioning plant and swimming pool areas) should be adequately screened or located away from the bedroom areas to minimise their impact on neighbouring areas</p>	<p>Window elements have been placed with visual privacy in mind, where possible distance and orientation are used to minimise overlooking of adjoining areas. Planting and screening will be used to provide additional privacy. The South Western elevation of the development will have external screen added to direct views to the North west away from the yard area of Lot 27. We have also minimised the window size to the South and west elevations directing views over the adjoining allotments and not down into the yard areas.</p> <p>Acoustic privacy has been addressed within the units by placing the bedrooms against bedrooms and living areas against living areas. The party walls will also have added acoustic wall batts added. The minimum weighted ratings are met.</p>
4.1.5 Private open space	<p>Whenever possible, open space is to be orientated to have a north easterly aspect and living areas are to open out thereon, whenever possible</p> <p>Areas used for driveways, car parking, drying yards and service yards shall not be included as landscaped open space.</p> <p>Recommended amount of private</p>	<p>Each dwelling has a private open space allocation of 100 sqm or greater. Each private open space has minimum dimension greater than 4m in the east west direction and greater than 6m in the north south direction, All private open space areas are directly connected to the main living space , provided with a covered element and outdoor kitchen</p>

Statement of Environmental Effects
 Proposed Multi Unit and Community Title Subdivision 10 Ben Bullen Place

	open space per dwelling is 75 m ² .	
4.1.6 Setbacks	Rear setback min 6m Front setback minimum 4.5m Side setback minimum 1.0m	The buildings are oriented to the North and do not address Ben Bullen place. The front of the lot is considered to be the north boundary, rear boundary to the South and the east and west boundaries are the sides. Setbacks are 6m to the south, 1.5m to the east and west and over 20m to the north. The eastern elevation has been articulated to give greater street presence and the provision of the masonry wall and plantings provides the notion of an address to the street. The adjoining properties in the place immediately adjacent to the site do not address the place creating a disjointed streetscape. Refer to further discussion under section 5.1 visual impact.
4.1.7 Views	Step buildings to follow the slope of the land. Minimise the height of buildings and planting on the highest part of the site.	The slope of the site requires modification to achieve level building pads and siting. Refer to the cut and fill diagram for the extent of proposed cut and fill
4.1.8 Traffic safety and management	The visual impact of garages is to be minimised. All garage and carport entries are to be set back from the front facade of the dwelling by a minimum of 1 metre, and a minimum of 5.5 metres from the front property boundary. For residential development, the minimum standard of provision is detailed at clause 3.4 of this plan.	All garaging is to the north boundary including vehicle access and manoeuvring areas. The provision of carports with an attached storage area reduces the building bulk along the North edge, There is no overshadowing of adjacent properties and the storage areas screen the lots to the North from the proposed development. Garaging meets the standard for vehicle access. The accessible parking provision is to the Australian standard All vehicles are able to enter and exit the site in a forward motion.
4.1.8.1 Driveway width	Access for one dwelling via right of carriageways is to be a	The driveway is 6.4m wide in accordance with the requirements

Statement of Environmental Effects
 Proposed Multi Unit and Community Title Subdivision 10 Ben Bullen Place

	<p>minimum of 3.5 metres in width (excludes traffic control devices), except when it is more than 40 metres long where the minimum width increases to 5 metres.</p>	<p>of the DCP, the parking spaces are 5.5m deep and 3.0m wide.</p>
<p>4.1.9 Site facilities</p>	<p>Garbage bins, waste recycling areas, mailboxes and external storage facilities should be adequate in size, durable, waterproof, blend in with the development, avoid visual clutter and be accessible to the users of the building and service vehicles. Ensure garbage storage and waste recycling areas are not located adjacent to any residential habitable rooms. Provide adequate internal storage and design internal layouts to allow the building to be re-used for other purposes in the future.</p>	<p>A group mailbox element will be located at the building line on Ben Bullen Place Council Green, recycling and general waste bins will be kept within an enclosed garbage area – refer to the site plan.</p>
<p>4.1.10 Energy efficient siting and layout</p>	<p>Building shape and orientation are major influences that affect energy consumption. The most critical element of a building's form is the size and orientation of its windows. The shape of a building influences the amount of floor area that can benefit from daylight through windows. Daylight is generally useful to a depth of 4-6 metres from a window. Buildings should be designed to ensure that much of the floor area is within a 4-6 metre distance of an external window. An elongated plan shape</p>	<p>The new dwellings have been designed to maximise solar penetration into the main living spaces. Room depths; where possible have been organised to further facilitate passive solar attributes. Site constraints coupled with privacy requirements have necessitated the orientations and siting as shown.</p>

Statement of Environmental Effects
Proposed Multi Unit and Community Title Subdivision 10 Ben Bullen Place

	produces this characteristic, as will the use of an atrium or courtyard. Maximise north and south facades, whilst minimising east and west facades	
4.1.11 External window shading and internal and external lighting	Integrate external window shading into the design of buildings to improve energy efficiency and comfort. Maximise natural light to buildings and reduce the use of non-renewable energy resources.	Where possible the eaves have been used to shade windows. Additional horizontal shading "brows" have also been incorporated into the ground floor level of the two storey units.
4.1.12 Insulation	Improve the energy efficiency and comfort of buildings by designing to make the best use of natural ventilation.	Insulation will be to the requirements of the BASIX assessment
4.1.13 Space heating and cooling	Where thermal comfort cannot be achieved through building design elements choose energy-efficient and environmentally-friendly space heating and cooling systems.	Heating and cooling will be to the requirements of the BASIX assessment
4.1.14 Working hours – residential and business		Not Applicable to this application
4.1.15 Subdivision		The controls and requirements of this clause deal with larger Torrens title land subdivisions not small infill of existing allotments. The principals of vehicle movement, bicycles, and pedestrian movement through the lot are serviced in principal in the proposed development
4.2 Non-residential development – retail, commercial and industrial		Not applicable to this application

(iia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F

Not Applicable to this Development

Statement of Environmental Effects
Proposed Multi Unit and Community Title Subdivision 10 Ben Bullen Place

(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)

Not Applicable

(v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,

Not Applicable

(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

The proposed multi-unit development will impact the existing site and neighbourhood through the proposed increase density and the associated movement and noise generated by a typical residence. The zoning of the property supports this type of infill development and the potential economic and social benefits associated with medium density development. The proposal is seen as a positive addition to the streetscape and housing stock of the Bradfordville suburban area.

The potential impact on the existing residential development in the area has been addressed elsewhere in the Statement.

(c) The suitability of the site for the development,

- The land is currently underutilised. The removal of council infrastructure has freed the site for potential infill development.
- Housing needs within the area are shifting toward smaller 2- and 3-bedroom dwellings targeting singles, retirees, and the like, the proximity to the city's major infrastructure places this area in high demand.
- The sites topography and orientation are ideal for the intensified development option

(d) any submissions made in accordance with this Act or the regulations,

Consideration will be given to any submissions made as a result of Council's consultation and Notification processes. Matters raised directly relating to planning law and development control guidelines will be addressed as required

(e) the public interest.

In considering the private versus public interest in the proposed development we have examined the following factors:

Private interests:

- The owners right to realise the development potential of the allotment
- The owners right to financial gain or benefit
- The compliance of the proposed development to local planning law and governance

Public interest

- Maintenance of the suburban environment by balancing development types
- Allowing varied development types under the zoning definitions of the planning legislation.
- The fair application of subjective interpretation of planning statutes
- Provision for all landowners to equally pursue their development rights under the planning legislation
- Opportunity for landowners to comment on proposed development in their areas.

Statement of Environmental Effects
 Proposed Multi Unit and Community Title Subdivision 10 Ben Bullen Place

5.0 Other considerations

5.1 Visual Impacts

The proposed development will have a significant visual impact in the area



Existing street view in Ben Bullen Place

The site is currently vacant. The proposed development will make significant changes to the views and access currently afforded to the lots backing onto the subject land. The proposal is compliant with the current planning legislation.

5.2 Open Space

There is no impact of the proposed Development on existing public open space

5.3 Overshadowing and Privacy

Refer to the attached sunshade analysis.

The existing dwelling at lot 27 will experience some overshadowing of their private open space in the morning during the winter months. On the 21st of June (winter equinox) the yard area will be in shade until 11am. Please note the yard area is currently significantly affected by existing fencing and plantings. From that time on the garden area will receive over 3 hours of direct sun meeting the requirements of the DCP.

The yard area of lot 28 will receive full sun from early morning until early afternoon and then experience partial shade into late afternoon and early evening.

Refer to the attached shade analysis.

5.4 Noise

Noise impact will be typical for any residential development. No additional noise pollution created from manufacture or fabrication processes is associated with the proposed housing development.

Statement of Environmental Effects
Proposed Multi Unit and Community Title Subdivision 10 Ben Bullen Place

5.5 Erosion Control Measures

Refer to the attached erosion and sediment control plan

5.6 Economic and Social Impacts

Not applicable to this development

5.7 Environmental Benefits

The dwellings are designed to minimise construction waste and to provide the best possible passive solar heating and cooling (considering the overall site constraints and existing adjoining property development)

5.8 Disabled Access

Not Applicable in this application.
Accessibility is not a requirement for standard residential development at this time.

5.9 Security, Site Facilities and Safety

Each dwelling will have a fenced yard. The driveway will have bollard lighting. The lighting will have baffles directing the light across the driveway and down. Additional sensor motion activated lighting will be placed over the dwelling entries. The light will have a timed-on period.

5.10 Waste Management

Residents will store the council supplied garbage bins in the bin yard adjacent to the parking area. Bins will be wheeled to the street on collection day.

5.11 Building Code of Australia

Tim lee Architects Certifies this design has been undertaken in compliance with:

Residential section of the NCC volume 2 Class 1 and Class 10 buildings

Applicable Australian Standards.

The design as documented complies with the requirements of these codes and standards as applicable to residential construction in NSW.

Tim Lee Architects accepts no indemnity or Liability for variations from the documented building to which they have not been consulted and provided amended documentation for.

5.12 Traffic

The proposed development will not significantly impact the existing traffic conditions on Ben Bullen Place nor will there be significant effect on the feeder street network. Traffic generation will constitute 9 vehicle movements per day per dwelling as outlined in the RTA guide for traffic generating developments – residential dwellings. This equals 54 movements per day.

Peak hour movement's area calculated at a rate of .85 per dwelling or 5.1 movements for the development.

Statement of Environmental Effects
Proposed Multi Unit and Community Title Subdivision 10 Ben Bullen Place

This level of traffic generation will not detrimentally affect the safe movement of vehicles in Ben Bullen Place. A full traffic study is not considered necessary in this instance.

5.13 Stormwater/flooding

The site is not flood prone.

There is sufficient fall in the storm water system to discharge the Tank overflows to Verner street.

Each dwelling will have a 10000L storage capacity, tanks will have a bleed valve installed to maintain a 50% clear capacity enabling storm surge to not detrimentally affect street stormwater flows.

6.0 Conclusion

The proposed multi unit development with community title subdivision has been designed in accordance with the requirements of the BCA and the applicable clauses and sections of the Goulburn Mulwaree Local Environment plan and Development Control plan.

The design complies with the various prescriptive elements of these codes and no variation to those codes is sought.

In summary the proposed development is considered appropriate for the location and has been designed in concurrence with the relevant codes, standards and regulations applicable to the Site and is presented to Goulburn Mulwaree Council Planning department for assessment and consideration.

Part B – To be Published

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Your Details

Name:	Rosalind Burns
Organisation (if applicable):	

Development application details

DA Number:	DA/0419/2021
DA Address:	10 Ben Bullen Place

Political Donations and Gifts (Please refer to part 2 -Guide to Making a Submission)

Have you made a political donation or gift to a Councillor or Council employee within the last two years? Refer to Part 10.4 of the *Environmental Planning & Assessment Act 1979* for further information.

Yes No

Your Submission (please attach additional pages if required)

When we purchased our home 40 years ago the water tank was behind us on Council land. Once it was removed we were told the area would be turned into a park. Now it appears we are going to be over shadowed by two storey dwellings. My concerns are:

Increase in traffic & noise with 6 town houses being built and most families having two cars or more these days where are they all going to park & where will their visitors park?

Also the privacy aspect with the town houses being two storey and on land higher than all the homes surrounding them

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Submission to Development Application Form Effective from 1 July 2020 to 30 June 2021

Page 2 of 3

Part B – To be Published

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Your Details

Name:	Wayne McKay
Organisation (if applicable):	

Development application details

DA Number:	DA/0419/2021
DA Address:	10 BEN BULLEN PLACE GOULBURN

Political Donations and Gifts (Please refer to part 2 -Guide to Making a Submission)

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Yes No

Your Submission (please attach additional pages if required)

1. I AM VERY CONCERNED ABOUT WATER RUNOFF AS I HAVE HAD A LOT OF WATER ISSUES OVER THE YEARS WITH GROUND WATER COMING OFF THE HILL

2. THE RESIDENT ARE CONCERNED OF TRAFFIC ISSUES IN BENBULLEN PLACE AS THERE IS ONLY SIX PARKING PLACES SUPPLIED FOR 6 TOWNHOUSES, WHEREAS MOST FAMILIES OWN TWO OR MORE CARS.

3. I AM CONCERNED OVER PRIVACY ISSUES AS ALL THE AREA IS SINGLE STOREY DWELLINGS, AND WILL BE OVER SHADOWED BY TWO STOREY BUILDING BUILT RIGHT ON THE TOP OF A HILL GIVING A CLEAR LINE OF SIGHT INTO ALL SURROUNDING PROPERTIES

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Submission to Development Application Form Effective from 1 July 2020 to 30 June 2021

Page 2 of 3

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Your Details

Name:	Alan and Christine Hockey
Organisation (if applicable):	N/A

Development application details

DA Number:	DA/0419/2021
DA Address:	10 BEN BULLEN PLACE GOULBURN 2580

Political Donations and Gifts (Please refer to part 2 -Guide to Making a Submission)

Have you made a political donation or gift to a Councillor or Council employee within the last two years? Refer to Part 10.4 of the *Environmental Planning & Assessment Act 1979* for further information.

Yes No

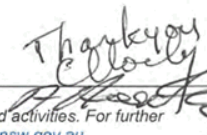
Your Submission (please attach additional pages if required)

We would like to put forward our concerns about this DA.

Noting the impact on current residents from increase in traffic and also privacy issues with townhouses sitting atop the hill looking into residents yard + homes.

This area has single dwellings and double storey townhouses do not fit in with current character of this area.

We feel these buildings would have a negative impact on the area.

We strongly object to this DA. Thankyou


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Submission to Development Application Form Effective from 1 July 2020 to 30 June 2021

Page 2 of 3

Part B – To be Published

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Your Details

Name:	SUZANNE MABERLY
Organisation (if applicable):	

Development application details

DA Number:	DA/0419/2021.
DA Address:	10 BEN BULLEN PLACE.

Political Donations and Gifts (Please refer to part 2 -Guide to Making a Submission)

Have you made a political donation or gift to a Councillor or Council employee within the last two years? Refer to Part 10.4 of the *Environmental Planning & Assessment Act 1979* for further information.

- Yes No

Your Submission (please attach additional pages if required)

Please Refer attached. submission / objection

- 1) TRAFFIC.
(HAZARDOUS)
- 2) INFRASTRUCTURE.
(LACK OF)

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Submission to Development Application Form Effective from 1 July 2020 to 30 June 2021

Page 2 of 3

DA/0419/2021

Submission re-10 BEN bullen place

Dear Council

It is with concern at proposed development of 6 * 3, bedroom units that I bring the following to council's attention by way of objection.

1) TRAFFIC

- A) Road visibility when leaving Ben Bullen Place is extremely low on the left due to the curvature of Bradford Drive.
- B) In school terms children and accompanying adults are using Bradford Drive roadway to access Bradfordville Public School due to a lack of footpaths in the area.
- C) The potential increase in traffic accessing these units becomes a concern as the plan shows 6 carports only, where are extra vehicles belonging to the units and their likely visitors to park?
Perhaps more thought and application with Councils Safety Officer and relevant authorities' re-Road Safety is required.

2) INFRASTRUCTURE

- A) It is common knowledge that water pressure in Bradford Drive is low. Council records will show that work was carried out to try to improve this issue however no significant increase is evident.
How will the addition of 6 units compound this issue?
- B) Located at the front of 10 Ben Bullen Place is a telecommunications pit. It appears from available plans that this pit will then be located in the driveway area of the units. As the pit contains landline cable for myself and others in the area, what disruption may occur?
A previous complaint to Council regarding a heavy vehicle that was parking on the site and continuously disrupting the service led Council to Fence the block.
My question then is.....Who will accept responsibility for this pit?...I live independently with unstable health issues for which I rely heavily on my Telstra Priority Service which is connected at this pit location.
- C) I would appreciate Council providing information on what measures will be taken regarding dust control during the construction period and indeed how long the construction period will be?

The final question would be. Is it Best Practice to incorporate 6 Two Story units into An area which is predominantly Single story dwellings on large blocks.

Having lived at #13 Bradford Drive for 26 Years it is disappointing that Council did not provide parkland on this block as was the proposal when I bought my home.

Kind regards-

Part B – To be Published

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Your Details

Name:	William Thomas Drummond
Organisation (if applicable):	NA

Development application details

DA Number:	0419/2021
DA Address:	10 Ben Bullen Place Goulburn NSW 2580

Political Donations and Gifts (Please refer to part 2 - *Guide to Making a Submission*)

Have you made a political donation or gift to a Councillor or Council employee within the last two years? Refer to Part 10.4 of the *Environmental Planning & Assessment Act 1979* for further information.

- Yes No

Your Submission (please attach additional pages if required)

Further to my letter dated 03/05/2021.

- 1/ Like all construction work noise, dust, and ground vibration that will impact on us and building.(12 Samuel Place)
- 2/ Loss of public amenity from Samuel Place to Ben Bullen Place. Walkway for adults and School children.
- 3/ What other alternative detailed above would be provided for people in this area?

Council collects personal information only for a lawful purpose that is directly related to Council's planning functions and activities. For further

SCANNED

General Manger
Goulburn Mulwaree Council
184 Bourke Street
Goulburn
03 May 2021

12 Samuel Place
Goulburn
NSW 2580

Re: DA/0419/2021
10 Ben Bullen Place
Goulburn NSW 2580

Dear Sir,

I am writing this submission regarding the above DA. Currently we are a tenant at the above address, our daughter Gina Drummond owns the property. This development will impact on us. All construction work involves noise, dust, ground vibration plus in this instance, loss of privacy. We would like to lift the height of the colour bond fence up to 1.8metres on the back boundary.

The walkway between Samuel Place and Ben Bullen Place is used by adults and school children, it appears that there will be predicted from the DA information a closing of this public amenity. What alternative walkway will be provided that provides a safe, quick, and time saving function that this short cut has provide the people of this area over a period of time?

Thank you for your considerations.

Yours Sincerely

W. I. Drummond

Goulburn Mulwaree Council
Date Received: 3/5/2021
Signature: [Handwritten Signature]

From: Koshy Jacob
Sent: Thursday, 6 May 2021 4:12 PM
To: Council
Cc: Beena Koshy; Greta Koshy
Subject: [URGENT] Public Submissions re DA/0419/2021 - 10 Ben Bullen Place, Goulburn - Attn Ryan Gill

Categories: Suzi

Dear Mr Ryan Gill,

**10 BEN BULLEN PLACE,
 DA/0419/2021**

We refer to the proposed construction of six (6) attached townhouses with seven (7) lot community title subdivision (**proposed development**) at 19 Ben Bullen Place, Goulburn (**Site**).

We, Jacob Koshy and Been Koshy are the registered proprietors of an adjoining property (**Owners**), 15 Samuel Place Goulburn (**Our Property**).

Having briefly reviewed the proposal we are concerned about a number of aspects of the proposed developments and request the council to carefully consider these aspects to ensure its determination is in line with section 4.15 of the *Environmental Planning and Assessment Act 1979* (namely, consideration given to public interest and the likely impacts of the development).

It is to be noted, sufficient plans have not been provided for us to make a proper assessment (i.e. stormwater plans / survey plans) on the further extent of the impact the development could have on our property.

Notwithstanding the above, and without exhaustively stating our concerns, we are submissions are as follows:

The proposed development:

1 is one that is likely to hinder our rights for solar access, particularly

- a. in the event we opt to install new solar panels we will be at a significant loss if the proposal is approved;
- b. the proposal hinders solar access to the significant area of the property including living space, outdoor living etc;
- c. it is likely to result in additional heating/cooling costs for the residents/owners and no measures have been taken by the applicant to prevent this (i.e. increase setback etc);
- d. there is a loss of at least 4 hours of sunlight during the coldest / prime hours of a winter day (i.e. morning, when people at home preparing for work, and colder than any other hour of the day);

2 non-compliant with the minimum rear set back (ie. 6 metres set back from 15 Samuel Place).

- a. Should this setback have been considered Lot 6 of the proposed development would not hinder our right to solar access
- b. we particularly object to the applicant's explanation of the lack of setbacks, particularly where the lack of such setback is causing a detriment on our property and us as the owners.
- c. the onus is on the applicant to prepare a better design that addresses its issues to do with the lack of aesthetic or otherwise other issues with respect to compliance with the relevant laws;
- d. we do not consider it appropriate for such flawed designs to unduly affect the adjoining property owners / residents

3 not in the public interest given:

- a. detriment on our property / its value (i.e. views / lack of solar access / stormwater);
- b. view of our property with overdevelopment in an r2 zone at the rear (particularly so close) of our property evident from the backyard;
- c. the proposed development will have an unpleasant and obvious visual impact from Samuel Place;
- d. will unduly affect the future value of our property and other adjoining properties

4 the plans lack sufficient details/information to assess (site contours/topography to assess the stormwater impact on our property)

however from the available information it appears:

- a. the roof of the proposed development is on a slope towards our property;
- b. the land is on a slope towards our property;
- c. unable to gauge the measures in place to ensure excess stormwater does not enter our property in an event of heavy rain
- d. what are the measures in place to ensure '*sufficient fall in the stormwater system to discharge the tank overflows to Verner street*'

Given that we presently reside interstate, we request that the Council confirm receipt of our submission by return email and revert to us with any concerns/queries / further developments by return email.

It takes us some time to receive mails / posts and given the present circumstances (COVID-19) is it not practical for us to travel to Goulburn to access these documents and navigating to the Council's website does take considerable time.

Further, we kindly request the Council pay particular attention to the set back / solar access issues as it is one of real concern.

We look forward to hearing from the council.

Regards,
Jacob & Beena Koshy

Part B – To be Published

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Your Details

Name:	TERRY & ROSE NIXON
Organisation (if applicable):	

Development application details

DA Number:	DA/0419/2021
DA Address:	10 BEN BULLEN PLACE GOULBURN 2580

Political Donations and Gifts (Please refer to part 2 -*Guide to Making a Submission*)

Have you made a political donation or gift to a Councillor or Council employee within the last two years? Refer to Part 10.4 of the *Environmental Planning & Assessment Act 1979* for further information.

- Yes No

Your Submission (please attach additional pages if required)

LETTER ATTACHED.

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Submission to Development Application Form Effective from 1 July 2020 to 30 June 2021

Page 2 of 3

23rd April 2021

Mr. T. Nixon

8 Ben Bullen Place,

Goulburn. NSW

RE: Submission and comments about development Application DA/0419/2021

10 Ben Bullen Place Goulburn

Dear Council,

My name is Terry Nixon and with my wife Rose. We live and are paying off our home at 8 Ben Bullen Place. We recently received from council notification regarding the proposed development at 10 Ben Bullen Place.

Neither myself or my wife are against progress, however when it impacts on those who have enjoyed a happy and peaceful existence in our home with natural sunlight, simply paying our rates without issue, I implore the council to consider those of us that will be adversely affected by this development if it is given the go ahead in its current proposal. If you place yourself in our position, then I am confident that you will also share our concerns. Please see the comments listed below but not restricted too,

1. We are seriously concerned regarding Privacy issues. Since the town houses would tower about 7 meters above our property and surrounding residents. There is likely to be windows enabling easy view directly into our bedroom window, lounge room and yard.
2. I believe the submitted site plans are missing some information. It's my understanding that the site plans should include details of the surrounding buildings.
3. The Development application mentions overshadowing with (sunshade analysis). I was unable to find any "Shadow diagrams" in the documents. Without diagrams it is impossible to accurately know how much overshadowing will occur to our property given we are immediately to the south of the proposed 2 storey development that is approx. 6.7m high and continuously 42m long, In other words it will cast a solid unbroken shadow from morning to afternoon to the south (rear) of the site all day as the sun passes through it's arc. I believe we and other residents would be heavily affected by overshadowing. This is a major concern especially during the colder winter months as our house could potentially be covered in shade. We simply can't imagine the winter months without any sunlight to assist in the warming of our home.
4. Given the size and number of dwellings and the hard ground coverage we are concerned that our property could be affected through water run off following rainfall. Our home is already situated on the natural downward slope of the ground with our house sitting approx. 2 meters lower than the vacant land.

5. Natural airflow would also be affected due to the size of the proposed dwellings all year round. We would lose any natural airflow from this side of our home.
6. Parking has been mentioned in the development application. I was unable to find a "Traffic report" I believe the overflow parking of six townhouses would be an issue in Ben Bullen Place as there are already 5 driveways in the small cul-de-sac. If any of the proposed dwellings has a household of two or more cars plus visitors, then this will fast become a big issue.
7. Each townhouse will be fitted with an air-conditioning unit. If the dwellings are reliant of utilising air-conditioning as the primary cooling and heating source, these may become a chorus of noise, especially if being used into the night.
8. I believe the photographs in the documents give a misleading view of the proposal and do not reflect the true impact of the proposed development of the area.
9. We are concerned that this development will impact on the value of our home if the development goes ahead.
10. We relocated from Sydney several years ago for a lifestyle change, clean air, the luxury of space around the home, to get away from the claustrophobic feel of big city living. We now face ourselves of the feeling of being wedged in, living in a high density occupied space which seems out of character for the area. We now feel that we will be victims of a development that is seemingly a profit-making exercise.

The area surrounding our home has been and hopefully remains a peaceful and harmonious area without trouble or issue. Our genuine concerns raised above is now causing us stress with the fear that our home and lifestyle will potentially be impacted adversely by this development. It does seem to be out of character for the area as the surrounding dwellings are single story.

I again urge the council to consider our concerns with regards to the proposed development.

I look forward to your feedback.

Yours sincerely 

May 07, 2021

Mr. T. Nixon

8 Ben Bullen Place,

Goulburn. NSW

RE: Additional submission and comments about development Application DA/0419/2021

10 Ben Bullen Place Goulburn

Dear Council,

Sometime after I submitted my comments dated April 23, 2021. The Development application DA/0419/2021 has now added overshadowing diagrams and updated the site plans to include the missing information. I'm unsure on the development application process, I thought I would have been notified that the original publicised application had been amended. It was only that a neighbour had advised me of the changes.

My wife and I still have serious concerns about the accuracy of the now included shadow diagrams.

Yours sincerely

.....

DA/0419/2021 – 10 Ben Bullen Place

Lot 156 DP 248976 2090 m2

Submission from Gina Drummond

Owner of Lot 26, 12 Samuel Place since April 2013

8A Dolling Crescent

FLYNN ACT 2615

Ph: 0478 635 336

I own Lot 26 DP248976, 12 Samuel Place, and it is currently tenanted with my elderly parents being my tenants. We chose this house in 2013 because it is at the end of a quiet cul-de-sac and provided a good degree of amenity including privacy, an outlook and a good-sized block.

Having examined the DA, statement of environmental effects and the available plans for the proposed multi unit development and community subdivision Lot 156 DP 248976 10 Ben Bullen Place, I contend that the proposed development is not compatible with the existing residential character of the area and will unreasonably impact on all of the adjoining neighbours due to a loss of solar access, loss of privacy, loss of views and outlook, increased noise and that the mass of the building is out of scale with the surrounding development. The development does not meet a number of the requirements contained in *Goulburn Mulwaree Local Environmental Plan 2009* or the *Goulburn Mulwaree Development Control Plan*.

I am not against development of this Lot and feel that a single storey development would be more sympathetic to the existing surrounding single storey neighbours and would have significantly less impact as it would not tower over or overlook any other lot, would not impact solar access as this proposed development does, and would have less noise. While the occupants of the new development will enjoy good solar access and privacy because of the side-by-side north facing design, the existing neighbours are all impacted to varying degrees in at least one or more ways. This loss of amenity will not only diminish the continued enjoyment that the current occupants have of their homes, but will impact on the value of their properties also.

I appreciate that this is a difficult lot for a developer to work with because of the easement across the centre of the block, and I understand that the developer's objective is to extract as much profit out of the development as possible, but should this be to the detriment of the current occupants of the adjoining lots when a different proposal could also achieve a profit? I don't mind the design, look and feel of the proposed buildings and it would fit well in a new suburb in Canberra or a lot in a new subdivision in Goulburn with other lots

designed for this type of development, but it cannot in any way be said to be sympathetic to the neighbouring properties.

In addressing the DA, I have followed the structure used Statement of Environmental Effects in the DA.

Error of fact in 2.3 Surrounding development

I believe the statement in the development application that there is a large 2-storey dwelling to the west adjoining the allotment is incorrect. Lot 26 lies to the west as does Lot 27 and both of these houses are single storey. Lot 151 to the south-east is a 2-storey dwelling but none of the houses bordering the proposed development are 2-storey. If Lot 151 is being referred to as a justification for building a 2-storey development on this vacant lot, it should be noted that Lot 151 sits well below the profile of the hill of Lot 156 and is also on a 1,262 m2 lot with substantial setbacks on all sides. Below Lot 151, there are several other 2-storey dwellings but these all fit into the downward slope of Bradford Drive and therefore have far less impact than if they had been built on the crest of a hill – and again they are all on large lots with substantial setbacks. Lot 151 should not be used as a justification for the proposed 2-storey multi-unit dwelling as its scale and setting are in no way comparable to what has been proposed in this DA.



Photo showing Lot 151 and its roofline and scale alongside neighbouring single storey dwellings.



Aerial view of Lot 151 showing the size of Lot 151, and the large boundary setbacks from the adjoining lots and dwellings.



Another view showing that Lot 151, although 2-storeys, is set down the slope with little impact on its neighbours.

Goulburn Mulwaree Local Environmental Plan 2009

Current version for 19 February 2021 to date (accessed 30 April 2021 at 20:18)

I agree that the type of development is permissible as per the GM LEP 2009.

LEP Clause allowing Multi Unit and Community Title Subdivision

4.1A Exceptions to minimum lot sizes for certain residential development

(1) The objective of this clause is to encourage housing diversity **without adversely impacting on residential amenity.**

While 4.1A allows exceptions to the minimum lot size to be reduced from 350 square metres to 300 square metres if the land is subdivided into 5 or more lots and if those lots are 300 square metres, this is only allowable if it does so without adversely impacting on residential amenity. The Plan doesn't say whose residential amenity is being referred to. There is clearly a desire by the developer to fit the maximum possible number of dwellings on the proposed lot and to push the development as closely as possible out to the property boundaries to accommodate this – even if it impacts on the surrounding dwellings.

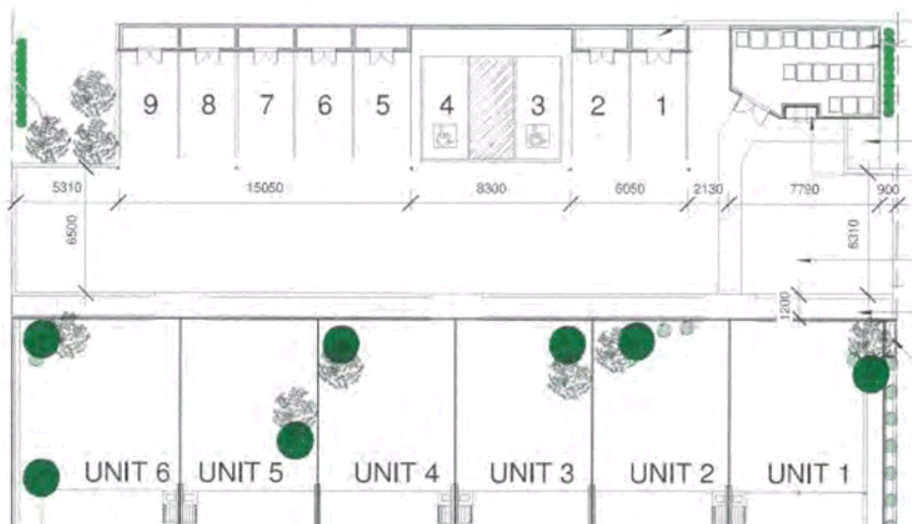
	m2	North Pos Area m2	South Pos Area m2	Total m2	> or < 350 m2 minimum
Lot 1	257.40	114.36	29.88	401.64	
Lot 2	211.15	102.45	23.77	337.37	Less than 350
Lot 3	211.15	102.45	24.05	337.65	Less than 350
Lot 4	211.15	102.45	24.33	337.93	Less than 350
Lot 5	211.15	102.45	24.33	337.93	Less than 350
Lot 6	257.85	125.11	30.52	413.48	

Compliance to the Goulburn Mulwaree DCP

3.5 Vehicular access and parking

The DA states that under GMC DP table 3.2 that 2 spaces per dwelling are required plus 2 visitor spaces are also included. If there are 6 units then 2 spaces per dwelling is 12 spaces plus 2 visitor spaces which is 14 spaces. There are only 9 spaces provided overall in the DA. This is significantly less than 14.

4.4.12 *Traffic safety and management of the GM DCP* also has a requirement for a minimum of 2 parking spaces per dwelling unit for a dwelling house, attached dwelling, dual occupancy or semi-detached dwelling component. It does not specifically mention what is required for multi-unit dwellings. The internal space for each car parking space is supposed to be at least 3.5m by 6.6m but it appears to be only 3.01m for spaces 5-9 and 3.03 for spaces 1-2. It isn't clear from the plans how long the spaces are.



4.1.1 Site planning, bulk, scale and density

The LEC has established that any proposed development must be consistent with both the aims of the LEP and with the objectives of the development controls contained in the LEP. The height and prominence of what is proposed could not be regarded as enhancing the character and identity of this established residential area.

The *Goulburn Mulwaree Local Environmental Plan 2009* (19 Feb 2021) states:

4.3 Height of buildings

(1) The objectives of this clause are as follows—

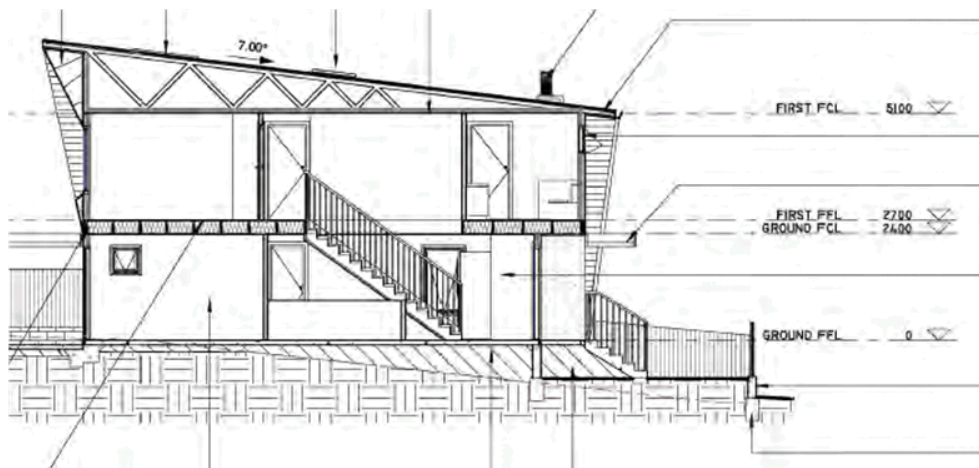
- (a) to ensure the height of buildings complements the streetscape or the rural character of the area in which the buildings are located,
- (b) to protect the heritage character and significance of buildings and avoid an adverse effect on the integrity of heritage items,
- (c) to ensure the height of buildings protects the amenity of neighbouring properties in terms of visual bulk, access to sunlight, privacy and views.

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the [Height of Buildings Map](#).

The height of the roof of the proposed townhouses is not insignificant being 6,947mm. While this is below the maximum height allowed of 8.5 metres, the height of the nearest roofs of Lots 26 and 27 are just over 5 metres in height and slope away from the boundaries of these lots as they are gable and hipped roofs, as well as the dwellings having much greater setbacks from the lot boundaries than those proposed for this development.

The western facing wall of Unit 6 of the proposed dwellings will be an imposing wall given that it is nearly 2 metres higher at its highest point than that of the dwellings in the adjoining lots, does not slope away from the adjoining boundaries and has a setback of only 1,525mm from the boundary – and less where one of the upper storey windows juts out towards Lot 27. All of this contributes to the visual bulk of the dwelling.

The southern side of the proposed dwelling will also be imposing as it will be close to 6 metres high at the private road level even if it is set 600mm into the slope, and will tower over the house at Lot 28. The back of the development will also be a large and long continuous wall of building which is not in keeping with the surrounding residential development.



Height of building on south side is 5100 plus footing height.

This proposal does not integrate with the surrounding environment and removes a pedestrian link to streets, does not face the street, and as a 2-storey building on top of a hill does not relate to the surrounding neighbourhood character.



Photo showing the single storey gable and hipped roof construction of the neighbouring houses.

The *Goulburn Mulwaree Development Control Plan Part 4 Principal Development Controls – Urban* states:

4.1.1 Site planning, bulk, scale and density

Objective

Achieve a coherent site layout that provides a pleasant, attractive, manageable, resource efficient and sustainable living environment.

Ensure bulk and scale does not have an unacceptable impact on the streetscape and the character of the locality.

Higher density developments are located close to public transport shopping and community facilities.

Controls

Ensure the site layout integrates with the surrounding environment through:

- adequate pedestrian, cycle and vehicle links to street and open space networks;
- buildings facing streets and public open spaces;
- building, streetscape and landscape design relating to the site topography and the surrounding neighbourhood character.

This development as proposed does have a scale and bulk that impacts unacceptably on the street scape and the character of the locality.

4.1.6 Number of storeys

Objective

Minimise the impact of building heights on neighbours of proposed residential development.

Controls

Dwellings and multi dwellings are to have a maximum of 2 storeys outside the statutory height mapped areas

(Refer also to height of buildings maps in the LEP 2009).

While the proposed development meets the permissible 2-storey design, the objective is to minimise the impact of building heights on neighbours and this design does not achieve that.

4.4.1 Views

Objectives

1. To minimise, where possible, the obstruction of views from adjoining buildings or public places.
2. To maximise views from living areas within the allotment.

Controls

Step buildings to follow the slope of the land.

Minimise the height of buildings and planting on the highest part of the site.

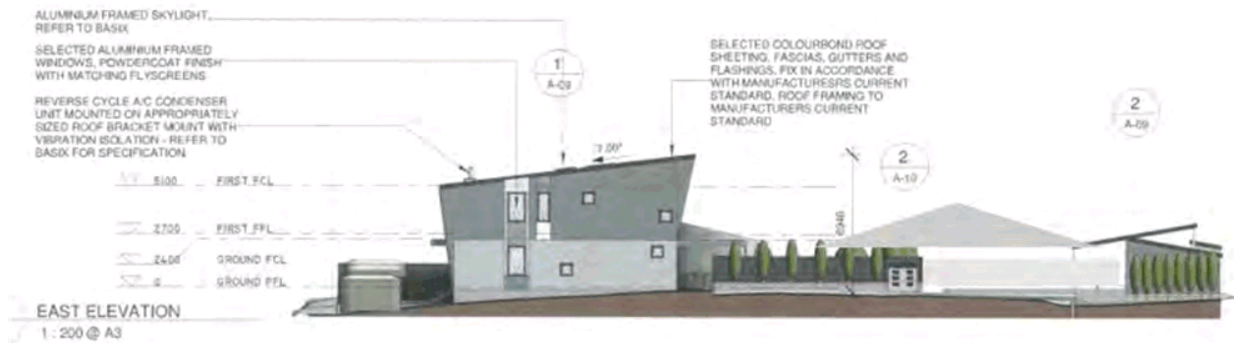
Council may require an applicant to provide a survey showing the position of the proposal on its site, the location of adjoining buildings and the degree of view lost.

Retain and protect existing vegetation where possible.

This design is built on the crest of the hill and is at its highest point in the centre of the site.

There is no discussion about the impacted outlook or view that will be reduced by this development.

Below I have shown what the streetscape will look like looking through to the dwellings on Lots 26 and 27. The incongruity of the proposed development and what already exists will be noticeable. This image also shows the impact of the height of the proposed townhouse units.



Roofline and back fence of Lot 26 added to east elevation in development proposal plans.

4.1.3 Solar access

Initially the set of detailed shadow diagrams was not included in the plans provided by the developer to Council and available for public comment but I noted that this was referred to in the DA. When I raised this with Council, planning staff immediately sought these and uploaded them to the development website and extended the date for submissions by 7 days.

The DA mentions the shading of Lot 27 by the proposed multi-unit dwelling but does not mention the shading of Lot 26 by the proposed garage block, and also minimises the shading impact on Lot 28.

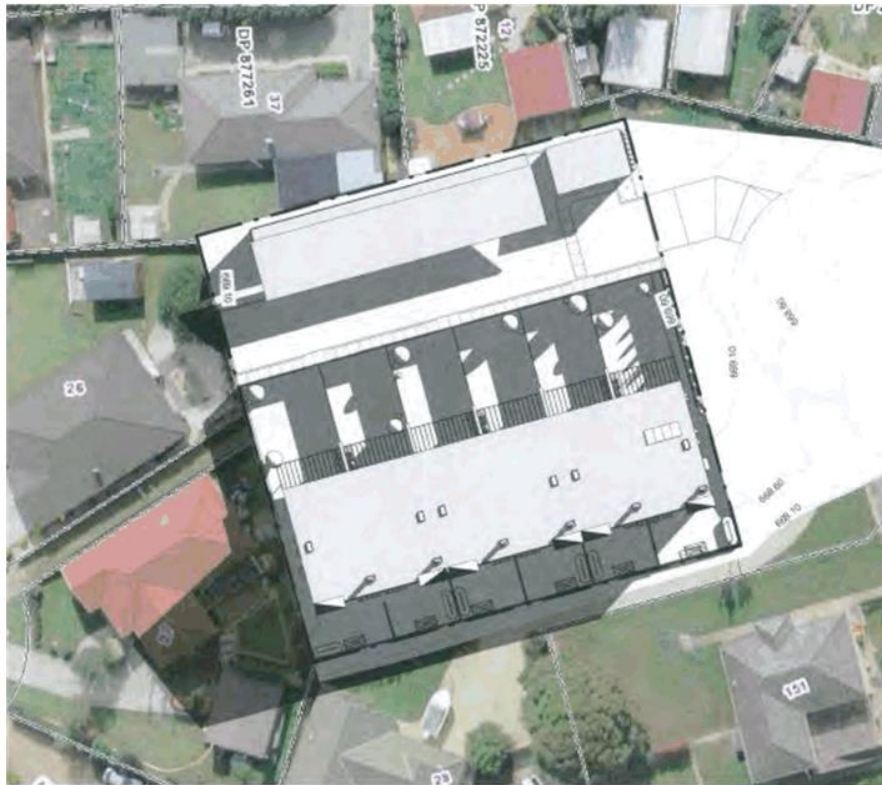
The Land and Environment Court has stated the following on solar access principles:

Overshadowing arising out of poor design is not acceptable, even if it satisfies the numerical guidelines. The poor quality of a proposal's design may be demonstrated by a more sensitive design that achieves the same amenity without substantial additional cost, while reducing the impact on neighbours...Strict mathematical formulae are not always an appropriate measure of solar amenity.

For private open space to be assessed as receiving adequate sunlight, regard should be had of the size of the open space and the amount of it receiving sunlight. Self-evidently, the smaller the open space, the greater the proportion of it requiring sunlight for it to have adequate solar amenity. A useable strip adjoining the living area in sunlight usually provides better solar amenity, depending on the size of the space. The amount of sunlight on private open space should ordinarily be measured at ground level but regard should be had to the size of the space as, in a smaller private open space, sunlight falling on seated residents may be adequate. Overshadowing by fences, roof overhangs and changes in level should be taken into consideration. Overshadowing by vegetation should be ignored, except that vegetation may be taken into account in a qualitative way, in particular dense hedges that appear like a solid fence.

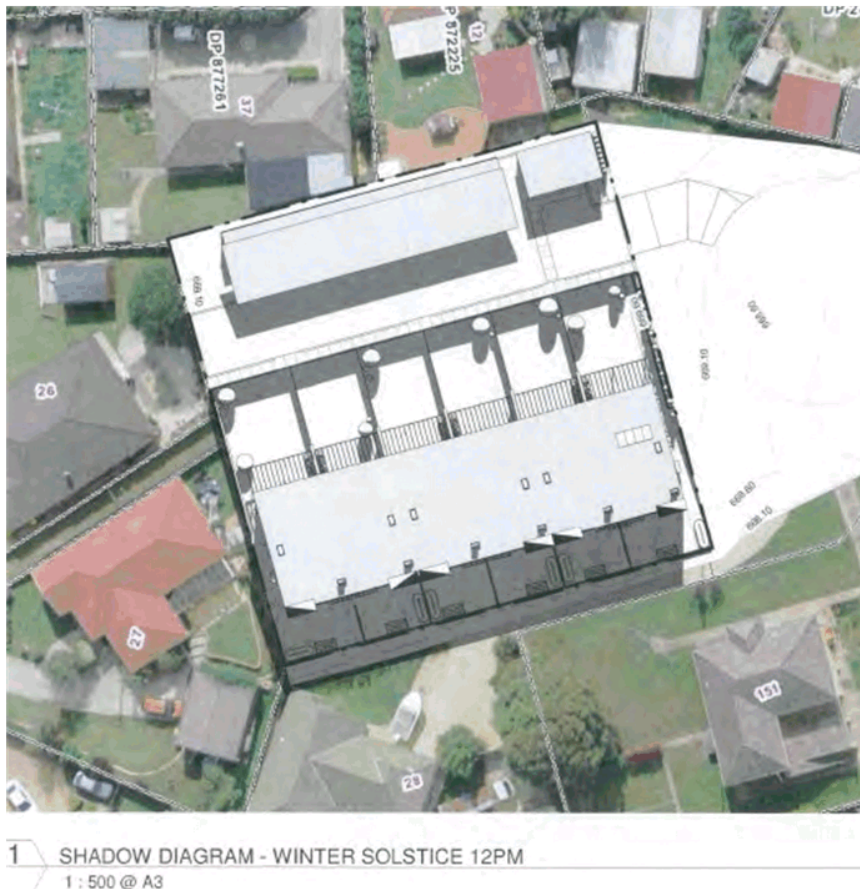
The shading of Lot 27 in winter is considerable with the proposed development and means that in winter the entire backyard receives no light until noon. Lot 26 fares better than its neighbour but does receive shading from the proposed garaging. The front yard of Lot 28 will be in shadow in winter in the afternoon.

While the DA states that Lots 27 and 28 will receive greater than the minimum required exposure on the winter equinox, as noted by the LEC, this should not, especially for Lot 27, be the only measure of solar amenity. Combined with losing any outlook and looking at an imposing wall, this would be unreasonable for most people. It should be noted that both dwellings on Lots 26 and 27 do not have north facing living areas and the only way to enjoy the amenity of private solar access in winter is to sit in, or look at, sunshine in these east facing areas of the lots.



SHADOW DIAGRAM - WINTER SOLSTICE 9AM

Aerial view shows extensive shadowing of Lot 27 and some impact on Lots 26 and 28.



Further, the *Goulburn Mulwree Development Control Plan Part 4 Principal Development Controls – Urban* states:

4.1.7 Solar access

In circumstances where an adjacent southern lot has an east-west orientation, the following southern setbacks should be applied in order achieve the above controls:

6m for all second storey development behind the first 12m of the forward building line.

Lot 28 requires a 6m setback for solar access irrespective of any other setback requirements.

4.1.4 Privacy

While some thought has been given to minimising direct overlooking of the adjacent Lot 27, there is no mention of the impact on privacy for Lot 26. It is common practise in buildings these days to address overlooking on adjacent properties with windows that are higher up or with frosting to prevent this. However, a house that is at more of a distance may be more overlooked depending on the height and angle of a large second storey window than a lot and dwelling which are immediately adjacent.

From the plans it appears that Lot 26 will be overlooked by the second storey windows of the proposed townhouses especially Unit 6 which is on the adjoining boundary to Lots 26 and 27. If the architect believes that the windows have been placed with visual privacy in mind, it would be helpful if they could demonstrate this using CAD generated images of what the upstairs rooms of the townhouses will actually be able to see from the second storey windows, but it would also be helpful to also how overlooked the occupants of the adjacent lots especially Lot 26, will or will not be.

I don't have a CAD software package but have attempted to get some idea of the scale of the proposed buildings and the degree to which the eastern courtyard of Lot 26 will be overlooked. This is my best guess or estimate and it may be that the proposed development has a greater encroachment and loss of privacy than shown here - but it could be less and I don't mind being proven wrong about this.



Backyard – east side of Lot 26 with raised Colorbond fence height to 1800mm and best guess at the overlooking and scale of the development proposal – which could be worse – or better.

4.1.8 Privacy

Objectives

Ensure privacy between dwellings.

Avoid overlooking of living spaces in buildings and private open spaces.

Controls

Windows and balconies are not to be positioned in a location where it allows for direct views into nearby/adjoining approved habitable rooms. Balconies and second storey windows are also not to have direct views into the private open space of nearby approved residential areas unless permanent privacy elements are applied (e.g. privacy screens or high still windows).

It isn't demonstrated in the documentation provided that any proposed screening will provide privacy to Lot 26.

Note that the DA plans show an increased fence height to 1800mm along most but not all adjoining lot boundaries. This is a greater height than the current fence height of the lots that adjoin the development. As the owner of an adjoining lot, I would expect that the adjoining boundary fence will also be replaced for Lot 26 to afford privacy from the proposed carport structure and also for security, and to also make it the same height as the corner of the courtyard fence of Unit 1 which will be adjacent to the backyard of Lot 26. Should this development be approved, I will also be asking the developer to pay for a replacement fence to 1800mm in height from the back corner where Lot 26 adjoins the proposed development to the corner of the dwelling of Lot 26 to increase the privacy due to the proposed 2-storey dwelling.

The developer should also note that the current fence along the adjoining boundary is not quite true to the boundary line at the northern end. I had this surveyed last year to see what the variance was and any new fence must address this error. The current fences are long runs of Colorbond sheeting that aren't as strong as modern day panels and many of the timber posts require replacement.

4.1.6 Setbacks

The DA states that the buildings are oriented to the north and do not address Ben Bullen Place. I contend that the statement that the front of the lot is considered to be the north boundary does not comply with section 4.1.10 *Setbacks* of the *Goulburn Mulwaree Development Control Plan Part 4 Principal Development Controls – Urban*. While it is true that the adjoining properties at the entrance to Ben Bullen Place do not address the Place, this is because they are corner lots where houses had the option of addressing Bradford Drive instead. Both lots on the south side of Ben Bullen Place do address Ben Bullen Place and on the north side, the lots address Bradford Drive as the lots run the entire width between the two streets.

I can find no reason in the LEP or GM DCP for a front boundary not to be considered a front boundary and to not do so impacts the setbacks between the adjoining lots. I also don't understand how how a front setback of 20 metres from the northern boundary can be

claimed when the garaging is within 900mm of the adjoining fence; if the entire lot is being developed with townhouses and a substantial multi-car space carport structure, then the carport structure counts – in the same way it would if it faced Ben Bullen Place.

The stipulated setbacks are:

4.1.10.1 Rear setback

A minimum rear setback of 6m is required for all residential development.

4.1.10.2 Side setback

A minimum side setback of 1m is required for all residential development, which excludes all ancillary service infrastructure such as hot water services, air-conditioning units, electrical meter boxes and the like.

4.1.10.3 Front setback

A minimum front setback of 4.5m, **measured from the forward building line to the property boundary, is required for residential development.** A smaller front setback distance may only be considered if it is consistent with the front setback of adjacent dwellings constructing on subdivisions that predate this Development Control Plan.

If the front boundary faces Ben Bullen Place then the side boundaries adjoin Lots 12 and 13 on the side to the north and the private road and Lot 151 to the south. The stipulated setback has to be at least 1m. The GM DCP also requires that sheds and other ancillary structures including carports, have setbacks based on the height of the structure. I couldn't find an actual height on the plans for the back of the garaging/carports but did note that the roofline has clearly been stepped to reduce the height of the garaging so that the building is of a permissible height.

The development as drawn appears to not comply with a 4.5m setback from the front boundary. The rear setback should be 6 metres but is only 1,525 mm from the boundary with Lot 27 and the garage block has a setback of only 5,500mm from the boundary with Lot 26. The services block located at the front of the development only has a setback of 900mm from the front boundary, with the first unit only being setback 1,550mm.

4.1.7 Views

Placing a 2-storey development on the crest of this site, even with setting it into the ground by 600mm, is not minimising the buildings and plantings on the highest part of the site.

See 4.1.1 Site planning, bulk, scale and density earlier in document for previous discussion.

4.1.8 Traffic safety and management

It is noted that the carports have been designed to reduce the building bulk along the northern boundary. It is not correct to say there is no overshadowing of the adjacent properties as Lot 26 is overshadowed to some degree in the morning by the carports.

See previous discussion on the number and size of car parks in the *GM DCP 4.1.12 Traffic safety and management*.

5.4 Noise

The noise of cars coming and going will have a significant impact on Lots 26 and 27. In the DA 5.12 *Traffic* indicates 9 vehicle movements per day per dwelling equating to 54 movements per day compared to the zero vehicle movements that exist now. This means that anyone living in Lot 26 is living next to what is to become a carpark. This is exacerbated by the design of the development i.e. if this was a development for one or more typical dwelling houses, garaging and driveways would be located towards the front of the lot facing Ben Bullen Place and not in the backyard of the adjoining lots. With a dwelling house over the back fence, there would be fewer vehicle movements and they would all be on street frontage of Ben Bullen Place.

(e) the public interest

I contend that for the various reasons outlined above that the proposed development does not comply with local planning law and governance in significant ways, contrary to the statement in the DA.

The DA fails to mention that the walkway that currently exists (and has done for 25 years) between Lots 26 and 27 which is used by schoolchildren and others to access Samuel Place will no longer be accessible. Clearly when the original subdivision was planned and constructed, the walkway was included for the purpose of providing a way for people to access other parts of the suburb. The loss of this amenity has never been discussed with the local community and is a major change to the amenity within the suburb.

While there may be provision for all landowners to equally pursue their development rights under planning legislation, the fact is that not everyone has the means to do so and there needs to be a balance between these interests.

5.1 Visual Impacts

It is agreed that the proposed development will have a significant visual impact in the area, such that it runs counter to:

5.2 Open Space

See above comments re walkway.

5.3 Overshadowing and Privacy

See previous comments on overshadowing and privacy. To state that the existing dwelling at Lot 27 will experience 'some overshadowing' is an understatement of the impact on this lot. Likewise the partial shading into early afternoon and early evening on Lot 28 has a greater impact in winter both physically and psychologically.

The DA states that the yard area of Lot 27 is currently affected by existing fencing and plantings. The plantings are not higher than the fence and it has been noted by the LEC that vegetation is not to be factored into overshadowing:

Overshadowing by fences, roof overhangs and changes in level should be taken into consideration. Overshadowing by vegetation should be ignored, except that vegetation may be taken into account in a qualitative way, in particular dense hedges that appear like a solid fence.

The shrubs planted along the current fence do not add substantially to the impact of the fence.

5.4 Noise

See above.

5.6 Social Impacts

See above.

6.0 Conclusion

The proposed development does not comply with all of the applicable clauses of the *Goulburn Mulwaree Local Environment Plan* and the *Goulburn Mulwaree Development Control Plan* and does not comply with the prescriptive elements of these codes, especially with regard to the approach taken in the interpretation of the location of the front boundary and setbacks, the solar access, privacy, noise, or parking requirements. A 2-storey development of this scale and design cannot meet these requirements as it does have an unacceptable impact on the streetscape and the character of the locality.

A single-storey development of a villa-type with fewer units but more space, would better suit this site and have significantly less impact on the neighbouring properties. It would better suit downsizers (mentioned as a reason for this type of infill housing) and could provide more open space – often highly sought after in townhouse developments, and could even potentially accommodate continued public access to the walkway. Such a development would have less impact on the neighbouring lots and their occupants.

Yours sincerely

Gina Drummond



REF: 0020-1166

**Tim Lee Architects
P.O. Box 516
GOULBURN NSW 2580**

10th July 2021

The General Manager
Goulburn Mulwaree Council
Locked Bag 22
Goulburn NSW 2580

Attn: Mr Ryan Gill

RE: PROPOSED 7 LOT COMMUNITY TITLE SUBDIVISION AND CONSTRUCTION OF 6 NEW ATTACHED TERRACE STYLE TOWNHOUSES, 19 BEN BULLEN PLACE GOULBURN DA/0419/2021

On behalf of my clients, we acknowledge the letters received in relation to the proposed development of the site known as 19 Ben Bullen Place and the statements within those letters.

We will address the issues raised in the letters in relation to planning law and the governing planning documentation that we are required to reference in the development of a project. Objections that are outside our scope as Architects for the project or outside our experience will not be addressed.

Where an opinion, unsubstantiated claim or matter outside our professional area is made by an objector, we will decline to comment or seek additional clarification from the required professional body to address an issue if appropriate.

Each letter will be addressed individually with the response referring to paragraphs within the objection.

Please note, as Architects and Designers we are bound to comply with statutory legislative documentation governing development. Documents that cannot be varied include:

- The Building Code of Australia (BCA or NCC),
- The Goulburn Mulwaree Local Environment Plan and
- Australian Standards.

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The Goulburn Mulwaree Development Control Plan, does not hold the same level of compliance requirement. This document outlines a series of preferred standards that development should comply with. Generally, the prescriptive elements such as setbacks, building height, parking requirements and the like, provide a best practise ideal. There is scope within this document for Council to exercise flexibility in the application of the preferred control and to look at the intent of the document not just the numerical compliance.

The proposed development of the 6 terrace style dwellings and associated parking, landscaping and site works is not asking for variation of any standard.

Letter 1

Point 1 – Solar access

We have provided extensive shadow diagrams indicating actual shadows directions and lengths relative to the proposed new dwellings.

In all cases the 2 allotments directly to the south of the proposed work will not be impacted – particularly in relation to roof placed solar panels.

There will be some overshadowing during the winter months of the yard areas, however the overshadowing will not impact private open space and the dwellings will receive over the minimum 4-hour period of exposure between the hours of 9am and 3pm (refer to solar diagrams. Note: The diagrams account for land slope and actual site conditions.)

2 – Noncompliance with minimum setbacks.

The current Goulburn Mulwaree Development Control Plan (GMCDPC) requires the following, minimum setback conditions.

Front set back 4.5m

Rear setback 6m

Side boundary setbacks 1.0m

The intent of the setbacks is to accommodate solar access and to minimise potential overlooking and privacy issues.

In this instance the orientation of the setbacks has been taken to relate to the orientation of the buildings address.

The proposed dwellings address the northern boundary.

In this configuration the rear setback is the required 6m.

The side setbacks are 1.5m and the front to the parking / access footpath is over 10m.

The proposed orientation maximises solar exposure to the north, promotes full compliance with private open space, privacy, and views for the proposed development

In addition, the overshadowing to the south of the property is reduced with the increased setback.

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3 – Not in the public interest

Comments in this section are the opinion of the objector and are unsubstantiated under planning law or the parameters of governing planning documentation and will not be addressed.

4- Lack of information.

Privacy laws permit only certain levels of planning information be made available for public comment.

The documentation set provided to Council contains full hydraulic assessment and the required storm water management planning under NSW Planning law and Water NSW requirements. The proposed development is fully compliant with the design limitations and detail these documents required.

Letter 2

Massing and surrounding development.

We will address individual comments within this detailed objection.

1- Solar access

Please refer to the shadow studies. The impact on the lot from the proposed development is marginal. There is some overshadowing of the access road, but the private open space and main recreation areas are unaffected.

2- Privacy.

The subject allotment is to the south of the proposed development.

The proposed upper floor windows have been kept small with high sills reducing the potential overlooking, in addition some of these windows are for wet areas and bathrooms. We respectfully suggest there will be little loss of privacy.

3- Views

All lots adjoining this parcel of land have enjoyed unobstructed views across the extent of the lot. However, this is not a significant view corridor, nor is the expectation that the land will remain undeveloped reasonable.

The lot is the crown of the small hill. All surrounding development appears low in relation to the existing ground plane. Any redevelopment be it single or two storeys will result in a significant alteration to views across the land.

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4- Noise

The orientation of the proposed development places the private open space between the main building form and the proposed garaging for the allotment.

The building mass will help reduce noise for those lots to the south and west. Lots to the north generally have their yard sheds, established planting and fences screening views and helping to mitigate any noise generated from the development. As a designer we cannot predict potential noise levels, however, there are standard documents providing guidelines based on tested existing development, we believe the proposed development of the site will fall within the parameters of acceptable background noise for this type of development in the suburban location.

5- Compliance with the GMC DCP.

The proposed development does not ask for any variation to the GMC DCP.

The site has an 8m building height limit, the proposed development is under this requirement.

The proposed buildings occupy less than 50% of the total site area, the proposed private open space exceeds the minimum standard and allows for full northern exposure. The larger upper floor windows are located over 50m from neighbouring properties significantly restricting their views and perceived overlooking.

The sloped roof form reduces the building height to the rear of the allotment thereby reducing overshadowing and building bulk. Boundary setbacks are sufficient.

Placement of utility spaces and associated clothes lines is considered appropriate for the development.

6- Density and Massing

In arriving at the proposed solution several additional options were worked through.

Option 1

Single level detached dwellings

A minimum of 4 bedrooms was required to meet desired returns for the site.

This option allowed only 3 dwellings to be constructed.

The yard areas were not ideally located and could not achieve useable space that met the solar access requirements. Vehicle access was non-compliant as vehicles could not enter and exit the site in a forward motion without crossing into the adjoining properties yard area. The easement location created unsatisfactory design requirement for any dwelling placed on the north edge.

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Option 2

A mix of three bedroom single and two storey detached dwellings

Vehicle circulation could not be achieved without crossing into adjoining properties driveways to make a turn.

Placement of the dwellings around the perimeter of the site produced significant overlooking by units to the north. Overshadowing of the southern lots was far more pronounced as the buildings were closer to the boundaries (in one case less than 1200mm. the siting was forced by the requirement for north facing private open space.)

The irregular lot planning resulted in complicated floor plans that did not provide adequate levels of amenity for potential residents. Ridge lines and site lines from upper floors created unsatisfactory overshadowing and overlooking.

In Summary, alternative solutions significantly compromised the design outcome in some way either through:

Unworkable parking

Overshadowing

Overlooking

Unusable private open space

Private open space not on the north and

Proximity of the proposed buildings to side and rear boundaries having a far more pronounced detrimental effect on the adjoining existing properties.

Opinions around appropriate aesthetics and composition are not addressed due to their subjective nature.

Please also note Lot 151 is not being used as justification for the proposed development. The current planning legislation permits this development. The proposed massing complies with building codes and delivers a high level of amenity for the dwellings.

Site Areas

Please note the proposed development is for a Community Title, not Strata or Torrens Title. Community Title has no minimum lot size. However, buildings must demonstrate compliance with the intent of the DCP, which we believe is achieved with this proposed solution.

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Parking

The original proposal (as viewed on the council website) proposed a reduced parking allowance. Please note this has now been altered to provide the required parking allotment of 2 spaces per dwelling. Visitor parking is provided for in the cul-de-sac. Internal parking requirement must conform to the Australian standard (the standard overrides the DCP) the standard requires a minimum parking space of 2.5m wide and 5.5m long. The 2 accessible parking spaces provided centrally comply to the requirements of the accessible parking standard.

Driveway widths and access also comply with the off-street parking standard.

Overshadowing.

Please refer to the provided shadow diagrams.

We acknowledge there is an impact during the time around the winter solstice, however, we argue the adjoining private open space of the existing lots is not significantly impacted.

The amenity of the adjoining lots is not significantly impacted, and the design meets and exceeds the standards.

The buildings will not obscure direct solar gain to living areas of the adjoining lots. Refer to the attached solar diagrams.

Summary

We thank the respondent for their comprehensive response to Council. We acknowledge the proposed development represents a change to the existing conditions and any change can be confronting. We suggest the perceived impact of this development will not be as dramatic as is being suggested.

Overall, the proposed development meets the prescriptive DCP requirements and is compliant with the BCA, LEP and Australian Standards.

Finally, our client has a right to achieve a return and while we acknowledge that lower density may be preferred, the viability of any development has a minimum threshold that must be achieved, in this instance the original request was for 7 units. We reduced the number to 6 and we have met the requirements and believe, the intent of the governing planning legislation.

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Letter 3

1 - Traffic

Comments under A) and B) are outside the scope of this development
Comments under C) are addressed in the previous response.

2 – Infrastructure

- A) This is a matter for Council and no comment will be made.
- B) As we understand this process, the telecom pit is the responsibility of the service provider, not the developer. As part of the approval process the Service provider will impose compliance requirements on the development. Ultimately serviceability and safety of infrastructure is the responsibility of the utility owner.
- C) Conditions of consent will contain requirements of the developer and eventual building contractor to be met during the construction period. Dust control is one such measure. The certifier will require these conditions are always met as will Council compliance officers.

Letter 4

Issues raised in this letter around massing, noise, overshadowing, privacy, and character have been addressed in previous comment.

Letter 5

1 – Fence Height

The proposed development intends for 1.8m fences to be installed.
Comments around noise and dust during construction have been previously addressed.

2 – Walkway

The Walkway is not a gazetted public easement across the subject land.
There is no requirement of the developer to maintain public access across their allotment.
This would be true of any redevelopment option proposed for the site.
This is a matter for council.

Additional submission

Issues around the walkway and amenity are outside the scope of our engagement and no further comment can be made.

8...

-8-

Letter 6

Water Run Off

As a condition of development, the design is required to produce a detailed stormwater model and assessment of run off, storm events and the like. This work has been undertaken as part of the DA submission and is compliant with the requirements of Water NSW. We suggest the proposed development may potentially fix the issues currently experienced by this resident.

Traffic

This issue is addressed elsewhere.

Privacy

This issue is addressed elsewhere.

Letter 7

Issues around the old water tank and the assumed future use of the site are outside the scope of our engagement and we cannot make comment. Our client purchased the allotment as freehold land with the understanding the potential for the type of proposed development was allowable.

Traffic

This issue is addressed in previous commentary.

Privacy

This issue is addressed elsewhere.

Letter 8

Privacy.

Issues of overlooking particularly to the South are addressed. The windows to this elevation are intentionally small and have higher sills. A person sitting in these rooms will have their vision directed up and out not down.

The windows for bathrooms and wet areas will be frosted.

9....

-9-

Sun shading

Is addressed – please refer to the Shadow diagram studies.

Air conditioners

Will be located at ground level. The units can be located perpendicular to the rear fence directing noise away from the rear of the property.

Issues around massing and visual impact are addressed elsewhere. Further to those comments, please note, to achieve the mix of building amenity to outdoor space to service and parking area, single level development does not meet the required standards and does not achieve an acceptable level of amenity.

Parking

Is addressed elsewhere.

Garbage collection

The revised planning indicates bin locations on the street frontage. Please note the original larger bin proposal is not viable for council collection policy in this area.

Traffic

Issues around construction traffic will be conditioned in the development determination as will noise, working hours, dust control and erosion and sediment control. The policing of these requirements will be up to the project building certifier and Council compliance officers.

10.....

-10-

On behalf of my client, we provide these responses to the concerns and issues raised by the objectors to the proposed development for consideration.
Should any additional information or further explanation be required we are more than happy to meet with council and concerned residents to further discuss and address their concerns.

Should you require any further information please do not hesitate to call our office.

Yours sincerely

A handwritten signature in black ink, appearing to be 'TL' with a flourish.

Tim Lee
Nominated Architect
Tim Lee Architects
NSW Registration N^o: 7304
ACT Registration N^o: 1030
ABN 71425067537

Ph: 4822 5934

15.7 DA/0171/1819 - DRAFT PLANNING AGREEMENT, LOT 50 BRAYTON ROAD, MARULAN

Author: Team Leader Development Assessment
 Director Planning & Environment

Authoriser: Warwick Bennett, General Manager

- Attachments:**
1. **Locality Plan** [↓](#) 
 2. **Proposed Plan of Subdivision** [↓](#) 
 3. **Draft Planning Agreement** [↓](#) 
 4. **Approved Landscaping Plan** [↓](#) 
 5. **Planning Agreement Explanatory Note** [↓](#) 

Reference to LSPS:	Planning Priority 6: Industry and Economy – Vision 2040 – Local industry provides for the employment needs of the region within a thriving and diversified economy which is resilient to change.
DA Number:	DA/0171/1819
Address:	Lot 50 DP1268828 Brayton Road, Marulan
Proposal Description:	Subdivision comprising 16 residential lots and one (1) drainage lot

RECOMMENDATION

That:

1. The staff report for the draft Planning Agreement associated with DA/0171/1819 for a 16 residential lot subdivision and one (1) drainage lot be received.
2. The draft Landscape Handover and Maintenance Protocol is included in the draft Planning Agreement by reference to the approved Notice of Determination.
3. The draft Planning Agreement associated with DA/00171/1819 for a 16 residential lot subdivision and one (1) drainage lot be placed on public exhibition for a period of 28 days, in accordance with section 7.5(1) of the *Environmental Planning and Assessment Act 1979*.
4. Following the exhibition period the matter be reported back to Council to consider any submissions received.

Section 375A of the *Local Government Act 1993* requires General Managers to record which Councillors vote for and against each planning decision of the Council, and to make this information publicly available.

BACKGROUND

DA/00171/1819 was lodged with Council on 19 November 2018. The assessment of the development application was initially delayed due to requests for additional information and the need for a planning agreement for the dedication of land. The additional information responses did not satisfy Council that the required buffer distances from the nearby Orca explosives facility had been properly considered. The applicant in April 2019 initiated a Class 1 appeal to the Land and Environment Court on the grounds of a deemed refusal.

Council participated fully in the Court matter to ensure the development if approved would be appropriate for the locality and importantly the safety of the occupants of the land would not be compromised by the Orca explosives facility. On the 27 August 2020 the Land and Environment Court issued orders approving the development application to create 16 residential lots and one drainage reserve.

Condition 5 requires a planning agreement to be entered into in relation to the dedication of land, construction of the riparian corridors, associated maintenance costs and to be in accordance with the letter of offer dated 17 August 2020.

REPORT

Proposed Development

DA/00171/1819 is for a subdivision of land comprising 16 residential lots and one (1) drainage Lot at Lot 50 DP 1268828, Marulan. The subdivision is of a small parcel of land at the end of Maclura Drive and will involve localised road upgrades to Stoney Creek road and Maclura Drive to provide safe access to the proposed subdivision.

A locality plan and a proposed plan of subdivision have been included in the **Attachment**.

Planning Agreement

A Planning Agreement has been prepared by the applicant and its general terms have been supported by the Executive through the letter of offer dated 12 August 2020. The Planning Agreement has been reviewed by Council's legal team and comments included from that review. The main terms of the Planning Agreement are as follows:

- a) The Agreement maintains the ability to levy 7.12 contributions against the cost of the development.
- b) Dedication of a drainage reserve for the purposes of stormwater infrastructure management and riparian corridor. The land dedication is at no cost to Council.
- c) Construction of riparian corridor in the sum of \$130,000 on the land to be dedicated to Council. The approved landscape plans are included in the **Attachment**.
- d) Construction of stormwater management devices in the sum of \$35,000.
- e) Monetary contribution for the ongoing maintenance of the stormwater management devices for 30 years in the sum of \$45,000.
- f) Monetary contributions for the capitalisation and renewal of rain gardens for an assumed life of 30 years in the sum of \$28,000.
- g) Monetary contribution for the ongoing maintenance of the riparian corridor over 30 years in the sum of \$60,000.

The above works and payments are to be undertaken and made prior to the issue of the relevant Subdivision Certificate.

The draft Planning Agreement must now be placed on public exhibition for a minimum period of 28 days. Following a review of any submissions received during the exhibition period and any required amendments to the draft Planning Agreement the final version of the agreement may be the subject of a final legal review by Council's solicitors. In this instance the costs of the review are to be met by the developer.

The proposed draft Planning Agreement and the guiding explanatory note are included in the **Attachment**.

Policy Considerations

- Goulburn Mulwaree VPA and Land Dedication Policy

Conclusion and Recommendation

The proposed draft Planning Agreement is both warranted and necessary for the operation of the proposed subdivision which will provide for additional residential lots in Marulan.

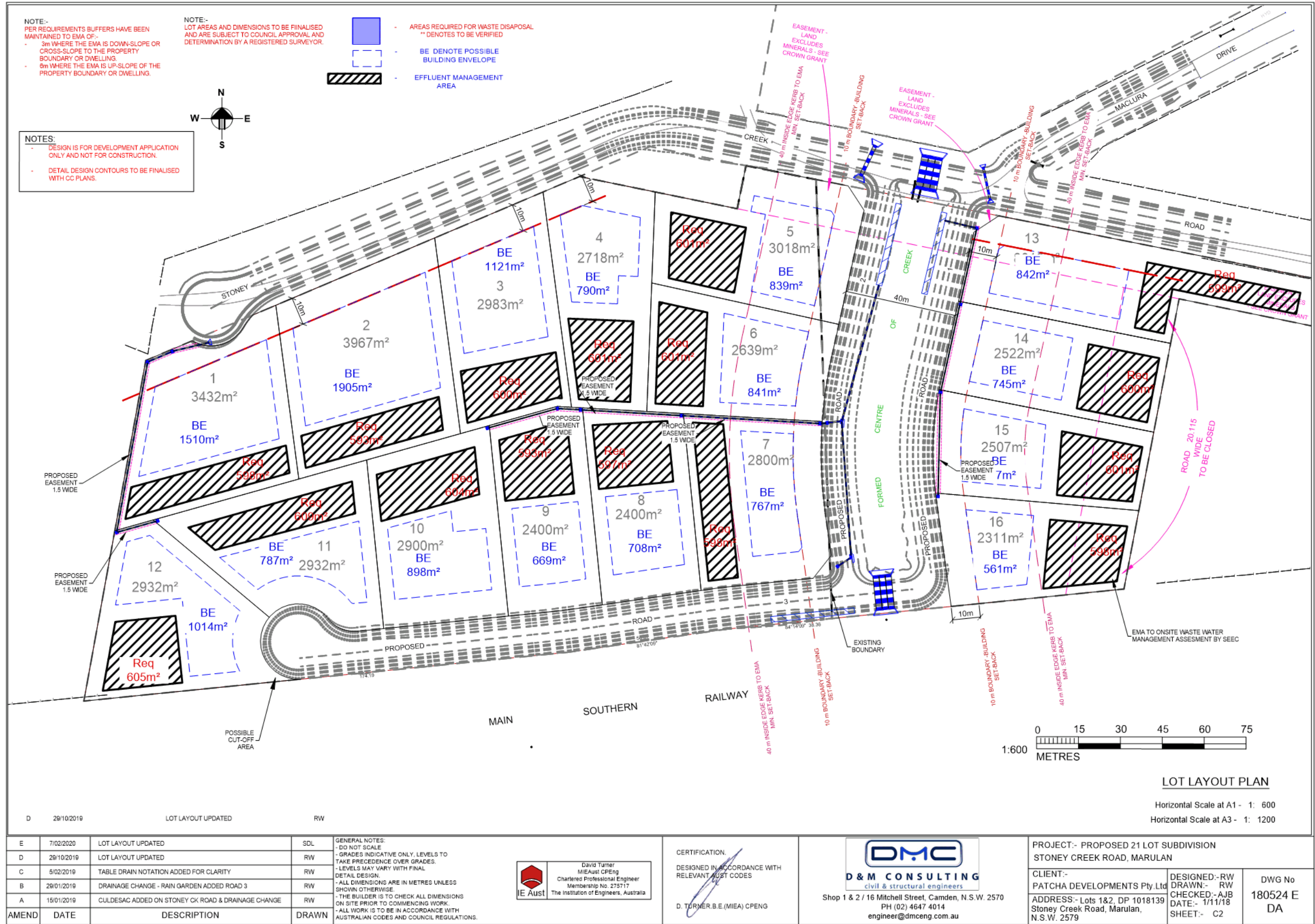
Accordingly, it is recommended that the draft Planning Agreement be placed on public exhibition for a minimum period of 28 days.

Following the exhibition period a post exhibition report will be prepared for Council's consideration only if submissions are received.

FINANCIAL IMPLICATIONS

The costs incurred in the preparation and execution of the planning agreement are met by the proponent.





Planning Agreement

Land

Lot.: 50 DP.: 1268828, MARULAN

Parties

GOULBURN MULWAREE COUNCIL

(Council)

CARRINGTON CLARKE GROUP PTY LTD

(Developer)

Version control table to be deleted once PA finalised		
Version	Date	Notes
V1.01	06.04.2021	Issued for comment to Owner/Developer
V1.02	28.05.2021	Comments added by Developer
V1.03	25.06.2021	Amendments by Council; Issued for comment to Owner/Developer
V1.04	02.08.2021	Amendments by Council in preparation for public Exhibition

Table of Contents

1. Definitions..... 6

2. Interpretation..... 9

 2.1. Interpretation 9

 2.2. Parties 10

3. Status..... 10

 3.1. Planning Agreement..... 10

 3.2. Application 10

 3.3. Commencement..... 10

 3.4. Application of Sections 7.11 and 7.12 of the Act..... 11

4. Provision of Development Contributions 11

 4.1. Provision of Development Contributions..... 11

 4.2. Contribution 11

 4.3. Contribution Credits..... 11

 4.4. Riparian Corridor..... 11

 4.5. Dedication of Designated Land 11

5. Works..... 12

 5.1. Work 12

 5.2. General Obligations regarding Works..... 12

 5.3. Protection of People and Property 12

 5.4. Variation to Works 13

 5.5. will result in increased cost or delay in the Works undertaken by the
DeveloperVerification of Works..... 13

6. Completion of Works 14

 6.1. Notice of Anticipated Completion 14

 6.2. Completion Notice 14

 6.3. Deemed Completion 14

 6.4. Effect of Council Notice 15

 6.5. New Completion Notice..... 15

 6.6. Executed Plans 15

7. Defects Notice 15

 7.1. Defect Notice 15

7.2. Developer to Rectify Defects 16

7.3. Access to Designated Land..... 16

7.4. Inspection 16

7.5. Right of Council to Step-in 16

7.6. Consequence of Step-in 16

7.7. Costs of Council..... 17

8. Warranties and indemnities..... 17

8.1. Warranties 17

8.2. Indemnity 17

9. Contamination..... 17

9.1. Definitions 17

9.2. Warranty and indemnity 18

9.3. Contamination outside of the Land 18

9.4. Contamination caused by Developer..... 19

10. Registration 19

10.1. Registration..... 19

10.2. Obligations of the Developer 19

10.3. Removal from Title of the Land 20

11. Determination..... 20

11.1. Determination 20

11.2. Effect of Determination 20

12. Security..... 20

12.1. Delivery to Council of Bank Guarantee 20

12.2. Council may call on Bank Guarantee 20

12.3. Top Up of Bank Guarantee 21

12.4. Security during Defects Liability Period 21

12.5. Return of Bank Guarantee 21

13. Consent to Compulsory Acquisition of the Designated Land 21

13.1. Consent to Compulsory Acquisition of the Designated Land 21

13.2. Council’s right to acquire 21

13.3. Consent of owners..... 22

14. Dispute Resolution 22

14.1. Notice of Dispute..... 22

14.2. Conduct Pending Resolution 22

14.3.	Further Steps Required before Proceedings.....	22
14.4.	Disputes for Mediation or Expert Determination	22
14.5.	Disputes for Mediation	22
14.6.	Choice of Expert	23
14.7.	Directions to Expert	23
14.8.	Expert may Convene Meetings.....	24
14.9.	Other Courses of Action	24
14.10.	Final Determination of Expert	24
14.11.	Costs	24
14.12.	Remedies Available under the Act.....	25
14.13.	Urgent Relief	25
15.	<i>Position of Council</i>	25
15.1.	Consent Authority	25
15.2.	Agreement does not Fetter Discretion.....	25
15.3.	Severance of Provisions	25
15.4.	No Obligations.....	25
16.	<i>Goods and Service Tax</i>	25
16.1.	Definitions.....	26
16.2.	Non-monetary Supplies	26
16.3.	Supply Expressed in Terms of Money	26
16.4.	Expenses and Costs incurred	26
16.5.	Survival of Clause	27
17.	<i>Access to Land</i>	27
17.1.	Application of Clause	27
17.2.	Terms of Licence.....	27
18.	<i>Explanatory Note</i>	27
18.1.	Explanatory note	27
19.	<i>Legal costs</i>	27
19.1.	Legal costs.....	27
20.	<i>Administrative Provisions</i>	27
20.1.	Notices.....	27
20.2.	Severability	28
20.3.	Entire understanding	28
20.4.	Variation	28

20.5. Waivers and consents 28

20.6. Counterparts 28

20.7. No right of set off 28

20.8. Relationship of parties 29

20.9. Power of Attorney 29

20.10. Review Requirements 29

20.11. Further Agreements 29

20.12. Force Majeure 29

20.13. Suspension of Obligations under a Force Majeure 29

20.14. Surrender of Right of Appeal 29

20.15. Notations under s 10.7(5) of the Act 30

20.16. Confidentiality 30

20.17. Governing law 30

20.18. Jurisdiction 30

PUBLIC EXHIBITION



Planning Agreement

Dated

Parties

Goulburn Mulwaree Council (ABN 84 049 849 319) of 184-194 Bourke Street, Goulburn NSW 2580 (**Council**); and

Carrington Clarke Group Pty Limited (ABN 39 150 492 265) of Suite 2, Level 10, 234-242 George Street, Sydney NSW 2000 (**Developer**).

Background

- A. The Developer is the registered proprietor of the Land.
- B. The Developer has lodged the Development Application with Council.
- D. The Developer has agreed to provide the Development Contributions in connection with carrying out the Development, subject to and on the terms and conditions set out in this Agreement.
- E. The Land and Environment Court (**LEC**) granted the Development Consent on 27 August 2020 in LEC Case Number 2019/00146722. It is a condition of the Development Consent that this Agreement must be entered into and executed prior to the issue of any Subdivision Works Certificate in relation to the Development.

General terms

1. Definitions

The following definitions apply unless the context otherwise requires:

Acquisition Act means the Land Acquisition (*Just Term Compensation*) Act 1991 (NSW).

Act means the *Environmental Planning and Assessment Act 1979* (NSW).

Agreement means this document and includes the schedules and annexures.

Assign means to any assignment, sale, transfer, disposition, declaration of trust over or other assignment of a legal and/or beneficial interest.

Authority means (as appropriate) any:

- (a) federal, state or local government;
- (b) department of any federal, state or local government;

- (c) any court or administrative tribunal; or
- (d) statutory corporation or regulatory body.

Bank Guarantee means a bank guarantee from an Australian bank, in a form acceptable to Council and without an expiry date.

Business Day means between 9am and 5pm Sydney time on a day other than a Saturday, Sunday, any other local, state or federal public holiday and any day between 20 December and 10 January inclusive.

Claim against any person any allegation, action, demand, cause of action, suit, proceeding, judgment, debt, damage, loss, cost, expense or liability howsoever arising and whether present or future, fixed or unascertained, actual or contingent whether at law, in equity, under statute or otherwise.

Complete, Completed, Completion means completed in accordance with the requirements of this Agreement.

Completion Notice means a notice issued by Council to the Developer pursuant to clause 6.2(a).

Construction Costs means the actual costs incurred by the Developer in carrying out and Completing the Works.

Contribution Credit means a contribution credit by Council towards a Development Contribution as set out in the column titled "Contribution Credit" in Schedule 3.

Date of Completion means, in relation to each Item of Work, the date on which the works are Completed, being the earlier of:

- (a) the deemed date of completion under clause 6.3; or
- (b) the date of completion as set out in a Completion Notice.

Defect includes an omission in an Item of Work.

Defects Liability Period means, in relation to each Item of Work, 24 months from the Date of Completion of that Item of Work.

Designated Land means that part of the Land identified by blue outline and black hatching as a drainage reserve on the plan attached at **Appendix A**.

Development means the subdivision of the Land into sixteen (16) rural residential lots, the Designated Land, and the construction of all associated infrastructure.

Development Application means development application DA/0171/1718 lodged by the Developer with Council in respect of the Land.

Development Consent means a development consent issued under the Act with respect to the Development Application as set out in the Orders of the Land and Environment Court dated 27 August 2020 Case Number 2019/00146722

Development Contributions means the provision of the Works, the making of the Monetary Contributions, the dedication of the Designated Land, the provision of any other material public benefit as set out in this Agreement or any combination of them, by the Developer in accordance with this Agreement, which are to be used for, or applied towards a public purpose, but does not include any Bank Guarantees or other benefit provided by the Developer to Council to

secure the enforcement of the Developer's obligations under this Agreement for the purposes of section 7.4(3)(g) of the Act.

DSP means the Goulburn Mulwaree Development Servicing Plan for Water Supply, Sewerage and Stormwater dated September 2017.

Encumbrance means an interest or power:

- (a) reserved in or over an interest in any asset;
- (b) created or otherwise arising in or over any interest in any asset under any mortgage, charge (whether fixed or floating), pledge, lien, hypothecation, title retention, conditional sale agreement, hire or hire purchase agreement, option, restriction as to transfer, use or possession, easement, subordination to any right of any other person and any other encumbrance or security interest, trust or bill of sale; or
- (c) by way of security for the payment of a debt or other monetary obligation or the performance of any obligation.

EPA means the NSW Environment Protection Authority.

First Subdivision Certificate means the first Subdivision Certificate issued under the Act with respect to the Development Consent.

Force Majeure Event means an earthquake, cyclone, fire, civil commotion, sabotage, act of a public enemy, war, contamination, flood or a severe weather event that inflicts damage or harm that could not have otherwise been prevented by taking reasonable and prudent action.

GST Law means *A New Tax System (Goods and Services Tax) Act 1999* (Commonwealth) and any other Act or regulation relating to the imposition or administration of the goods and services tax.

Item of Work means an individual item of the Works specified or described in Section B of Schedule 3.

Land means the land described as Lot 50 in DP 1268828 Marulan NSW.

Law means all legislation, regulations, by-laws, common law and other binding order made by any Authority.

Monetary Contributions means the monetary contributions set out in Section C of Schedule 3.

Parties means the parties to this Agreement collectively and Party means each of them individually.

Planning Legislation means the Act, the *Local Government Act 1993* (NSW) and the *Roads Act 1993* (NSW).

Quantity Surveyor means someone selected and appointed by Council from a list of Quantity Surveyors all of whom must be members of Panels for the NSW Department of Commerce or Local Government Procurement.

Regulation means the *Environmental Planning and Assessment Regulation 2000* (NSW).

Residential Lot means a single lot created on the registration of a plan of subdivision as part of the Development not intended to be further subdivided and to be used for the purpose of the construction of one (1) or more residential dwellings.

Riparian Corridor Works means the Item of Work relating to the construction of a riparian corridor.

Security Interest means:

- (a) any mortgage, pledge, lien, charge or other preferential right, trust arrangement, agreement or arrangement of any kind given or created by way of security, including a security interest (as defined in the *Personal Property Securities Act 2009* (Cth)); and
- (b) any agreement to create or grant any arrangement described in paragraph (a).

Subdivision Certificate means a subdivision certificate as defined in section 6.4(d) of the Act.

Subdivision Works Certificate means a subdivision works certificate as defined in section 6.4(b) of the Act.

Value of the Works means the total value of the Works, as set out in Schedule 3.

Works means the works specified or described in Section B of Schedule 3.

Works as Executed Plan means a plan that shows that construction has been completed in accordance with the engineering plans and specifications.

2. Interpretation

2.1. Interpretation

The following rules of interpretation apply unless the context requires otherwise:

- (a) a reference to:
 - i. one gender includes the other;
 - ii. the singular includes the plural and the plural includes the singular;
 - iii. a clause, annexure or schedule is a reference to a clause in or annexure or schedule to this Agreement;
 - iv. a document (including this Agreement) includes any variation or replacement of it;
 - v. a statute, ordinance, code or other law includes a regulation or other statutory instrument made or issued under it and consolidations, amendments, re-enactments or replacements of any of them;
 - vi. a person includes a partnership, body corporate, unincorporated association or an authority;
 - vii. a Party includes the Party's executors, administrators, successors and permitted assigns;
 - viii. **dollars, Australian dollars, A\$ or \$** is a reference to the lawful currency of Australia; and
 - ix. time is a reference to Sydney time;

- (b) if a period of time dates from a given day or the day of an act or event, it is to be calculated exclusive of that day;
- (c) a day is to be interpreted as the period of time commencing at midnight and ending 24 hours later;
- (d) if an act must be done on a given day which is not a Business Day, it must be done instead on the next Business Day;
- (e) if an act must be done by giving notice to Council it must be done via email Council@goulburn.nsw.gov.au and must include at the beginning of any subject title DA_0171_1819_Planning Agreement_(insert subject)_ Lot 50 DP 1268828
- (f) the words include, including, for example or such as when introducing an example, do not limit the meaning of the words to which the example relates to the example or to examples of a similar kind;
- (g) where a word or expression is given a particular meaning, other parts of speech and grammatical forms of that word or expression have a corresponding meaning;
- (h) headings and any index are for convenience only and do not form part of this Agreement or affect its interpretation; and
- (i) a provision of this Agreement must not be construed to the disadvantage of a Party merely because that Party was responsible for the preparation of this Agreement or the inclusion of the provision in this Agreement.

2.2. Parties

- (a) If a Party consists of more than one person, this Agreement binds each of them separately and any two or more of them jointly.
- (b) An obligation, representation or warranty in favour of more than one person is for the benefit of them separately and jointly.
- (c) A Party which is a trustee is bound both personally and in its capacity as a trustee.

3. Status

3.1. Planning Agreement

- (a) This Agreement is a planning agreement:
 - i. within the meaning set out in section 7.4 of the Act; and
 - ii. governed by Subdivision 2 of Division 7.1 of Part 7 of the Act.
- (b) Schedule 1 sets out the application of section 7.4 of the Act in this Agreement.

3.2. Application

This Agreement applies to both the Land and the Development.

3.3. Commencement

This Agreement commences and is effective on the date that the Agreement is executed by both Parties or, if the Agreement is executed in counterparts, the date that the Parties have executed and exchanged counterparts of the Agreement.

3.4. Application of Sections 7.11 and 7.12 of the Act

- (a) This Agreement:
 - i. excludes the application of section 7.11 of the Act to the Development; and
 - ii. does not exclude the application of section 7.12 of the Act to the Development.
- (b) The benefits to be provided by the Developer under this Agreement may be taken into consideration by Council in determining Development Contributions under section 7.12 of the Act.

4. Provision of Development Contributions

4.1. Provision of Development Contributions

- (a) The Parties acknowledge and agree that the Developer's obligation to make Development Contributions under this Agreement only arises in connection with carrying out the Development.
- (b) Subject to the terms and conditions of this Agreement, the Developer must make Development Contributions to Council in accordance with clause 4 and Schedule 3.

4.2. Contribution

- (a) Subject to paragraph (b), the Developer must pay Council the Monetary Contributions prior to the issue of the First Subdivision Certificate.
- (b) Prior to any Monetary Contribution being paid, the amount of that Monetary Contribution as set out in Schedule 3 must be indexed to the nearest quarterly Consumer Price Index (CPI) within fourteen (14) days.

4.3. Contribution Credits

On Completion of the Works in accordance with this Agreement, the Value of the Works do not generate a Contribution Credit that reduces the Developer's liability to pay any contributions pursuant to a condition of development consent under section 7.12 of the Act.

4.4. Riparian Corridor

The parties acknowledge that the delivery and completion of the Riparian Corridor Works will provide a public benefit.

4.5. Dedication of Designated Land

- (a) The Developer must dedicate the Designated Land to Council:
 - i. free of any trusts, estates, interests, covenants and Encumbrances;
 - ii. by the time specified in Schedule 3; and
 - iii. at no cost to Council,

unless otherwise agreed in writing by Council.

- (c) The Developer must meet all costs associated with the dedication of the Designated Land in accordance with this clause 4.5, including any costs incurred by Council in relation to that dedication.
- (d) Council must do all things reasonably necessary to enable the Developer to comply with this clause 4.5.
- (e) A Development Contribution comprising the dedication of Designated Land under this clause 4.5 is made when:
 - i. a deposited plan is registered by the Registrar General that dedicates the Designated Land as public reserve or drainage reserve under the *Local Government Act 1993* (NSW); or
 - ii. the Developer provides the Council with:
 - A. an instrument in registrable form under *the Real Property Act 1900* (NSW) executed by the Developer, such that title to the Designated Land can be transferred to Council once the instrument is executed and registered by Council;
 - B. written consent from any person required to consent to the transfer of the Designated Land to Council; and
 - C. confirmation that the certificate of title to the Designated Land has been produced or will be produced within a reasonable time with the Registrar-General to allow dedication of the Designated Land to Council.

5. Works

5.1. Work

Council and the Developer agree that the Developer must carry out the Works at its own cost and in accordance with the scope and specifications in Schedule 3.

5.2. General Obligations regarding Works

The Developer must, at its cost:

- (a) if necessary, obtain any consents, approvals or permits required by a relevant Authority, for the conduct of the Works;
- (b) carry out and complete each Item of Work by the time specified in Schedule 3; and
- (c) subject to Schedule 3, carry out and complete the Works:
 - i. in accordance with the lawful requirements of, or consents issued, by any Authority;
 - ii. in accordance with the Development Consent; and
 - iii. in a proper and workmanlike manner complying with current industry practice and standards, including applicable Australian standards.

5.3. Protection of People and Property

- (a) The Developer must use all reasonable endeavours to ensure that, in relation to the performance of its obligations under this Agreement:
 - i. all necessary measures are taken to protect people and property;
 - ii. unnecessary interference with the passage of people and vehicles is avoided; and
 - iii. nuisances and unreasonable noise and disturbances are prevented.
- (b) In relation to those Items of Work located on Designated Land, the Developer is responsible for care of those Works until the Designated Land is dedicated to Council in accordance with clause 4.5 or acquired by Council in accordance with clause 13, after which those Items of Work will vest in Council.

5.4. Variation to Works

- (a) The design or specification of the Works may be varied by agreement in writing between the Parties without requiring an amendment to this Agreement.
- (b) The Developer may, by written notice to Council, propose any variation to design or specifications of any Works (**Works Variation Notice**).
- (c) Council must, within fourteen (14) days of receipt of a Works Variation Notice respond in writing, by either:
 - i. agreeing to any or all variations proposed in the Works Variation Notice;
 - ii. proposing an alternate variation to any or all variations proposed in the Works Variation Notice; or
 - iii. refusing any or all variations proposed in the Works Variation Notice if that variation(s) would, in Council's opinion, adversely affect the public benefit being provided under this Agreement.
- (d) The Developer must within seven (7) days after receiving a notice in accordance with clause 5.4(c)(ii), notify Council in writing whether the proposed alternate variation can be effected, and, if it can be effected, the Developer's estimate of the:
 - i. effect on the progress of the Works (including the Date of Completion); and
 - ii. cost (including all warranties and time-related costs, if any) of the proposed alternate variation.
- (e) Council must within seven (7) days of receipt of a written notice under clause 5.4(d), in writing either accept or reject the alternate variation.
 - i. Council may, by written notice to the Developer, reasonably require the Developer to vary the design or specification of the Works, in which case the Developer must comply with that requirement unless the proposed variation materially affects the Development;
 - ii. materially reduces the financial return or profitability of the Development; or
 - iii. will result in increased cost or delay in the Works undertaken by the Developer.

5.5. Verification of Works

- (a) The Developer must, prior to commencing any Works and at its own cost, engage an independent third-party consultant (**Consultant**) with proven specialised expertise in the design, inspection and commissioning of water sensitive urban design devices and in particular the devices covered by this Agreement.
- (b) Within seven (7) days of engaging the Consultant, the Developer must provide Council with the details of the Consultant, including the Consultant's name, and curriculum vitae setting out the Consultant's proven specialised expertise in the design, inspection and commissioning of water sensitive urban design devices.
- (c) When issuing a notice of anticipated completion in accordance with clause 6.1, the Developer must provide Council with independent written verification from the Consultant that the relevant Works have been completed:
 - i. in accordance with this Agreement and any consents, approvals or permits required by a relevant Authority as specified in clause 5.2(a);
 - ii. in accordance with the scope and specifications for the Works as set out in Schedule 3, or as set out in any variation approved in accordance with clause 5.4; and
 - iii. in accordance with industry best practice.

6. Completion of Works

6.1. Notice of Anticipated Completion

When the Developer is of the opinion that an Item of Work has been completed, and that Item of Work has been subject to written verification in accordance with clause 5.5, the Developer must notify Council in writing and such notice must specify:

- (a) the Item of Work completed; and
- (b) the date on which the Developer asserts the Item of Work was completed; and
- (c) a Works as Executed plan of the relevant Item of Works; and
- (d) any supporting documentation relied upon to verify completion including the written verification of the Consultant procured under clause 5.5.

6.2. Completion Notice

Council must provide, within fourteen (14) business days of the Developer's notice under clause 6.1, a notice in writing to the Developer that the relevant Item of Work:

- (a) has been Completed;
- (b) will need to be inspected, tested or assessed prior to Council issuing a Completion Notice; or
- (c) has not been Completed, in which case the notice must also detail:
 - i. those aspects of the Item of Work which have not been Completed; and
 - ii. the work Council requires the Developer to carry out in order for the Item of Work to be Completed.

6.3. Deemed Completion

If Council does not provide the Developer with notice within the time specified in clause 6.2, the Item of Work the subject of the Developer's notice under clause 6.1 will be deemed to have been Completed on the date nominated in the Developer's notice.

6.4. Effect of Council Notice

- (a) Where Council serves notice on the Developer pursuant to clause 6.2(c), the Developer must:
 - i. rectify the deficiencies in that Item of Work in accordance with that notice within a reasonable time (not being less than fourteen (14) days from the date it is issued by Council); or
 - ii. serve a notice on Council that it disputes the matters set out in the notice.
- (b) Where the Developer:
 - i. serves notice on Council in accordance with clause 6.4(a)(ii) the dispute resolution provisions of this Agreement apply; or
 - ii. rectifies the Item of Work in accordance with clause 6.4(a)(i) it must serve upon Council a new notice of Completion for the Item of Work it has rectified (New Completion Notice).

6.5. New Completion Notice

- (a) The provisions of clauses 5.5 and 6.1 to 6.4 (inclusive) apply to each Item of Work and any New Completion Notice issued by the Developer.
- (b) Without limitation to clause 5.5, the Consultant must verify that the relevant Works the subject of rectification pursuant to a notice issued by Council under clause 6.2(c) have been completed in accordance with the requirements of that notice.

6.6. Executed Plans

- (a) The Developer, being the copyright owner in the Works as Executed Plan for the Completed Item of Work, assigns the copyright in the Works as Executed Plan for the Completed Item of Work to Council free of cost to the Council;
- (b) If the Developer is not the copyright owner of the Works as Executed Plan for the Completed Item of Work, the Developer is to promptly procure the assignment of the copyright of the works as executed plan for the Completed Item of Work at the Developer's expense.

7. Defects Notice

7.1. Defect Notice

- (a) Where any Item of Work is Complete but that item contains a Defect which:
 - i. adversely affects the ordinary use and/or enjoyment of that item; or
 - ii. may reasonably require maintenance or rectification works to be performed on it at some time in the future as a result of the existence of the Defect;
- (b) Council may issue a notice to the Developer (**Defects Notice**) concerning that Item of Work but only during the Defects Liability Period applicable to that Item of Work

- (c) A Defects Notice must contain the following information:
- i. the nature and extent of the Defect;
 - ii. the work Council requires the Developer to carry out in order to rectify the Defect; and
 - iii. the time within which the Defect must be rectified by the Developer (which must be a reasonable time and not less than fourteen (14) days).

7.2. Developer to Rectify Defects

- (a) The Developer must rectify the Defects contained within a Defects Notice prior to the date specified in that notice.
- (b) The Developer must follow the procedure set out in clause 6.1 to 6.6 in respect of the completion of the rectification of any Defect as if a reference in that clause to an Item of Work is a reference to the relevant Defect.

7.3. Access to Designated Land

If the Developer is required to access, use or occupy any part of the Designated Land for the purpose of discharging its obligations under this clause 7 after the relevant Designated Land has been dedicated or transferred to Council, Council will grant a fee free licence to the Developer:

- (a) with respect to so much of the relevant Designated Land; and
- (b) for such period,

that is reasonably necessary to allow the Developer to properly discharge those obligations.

7.4. Inspection

- (a) Council may undertake an audit, inspection or testing of the Works under suspicion of non-compliance of this Agreement or any legislation with reasonable notice in accordance with the relevant legislative requirements.
- (b) The Developer is to provide Council with any assistance that is reasonably required by Council to enable Council to undertake any audit, inspection or test of the Works.

7.5. Right of Council to Step-in

Council may, at its absolute discretion, enter upon the Land for the purpose of rectifying a Defect set out in the Defects Notice where the Developer has failed to comply with a Defects Notice, but only after giving the Developer seven (7) days written notice of its intention to do so.

7.6. Consequence of Step-in

If Council elects to exercise the step-in rights granted to it under clause 7.5 then:

- (a) Council may:
- i. enter upon any part of the Land reasonably required to exercise those step-in rights; and
 - ii. rectify the relevant defects or omissions in accordance with the Defects Notice;
- (b) the Developer must not impede or interfere with Council in exercising those rights; and

- (c) Council may claim any costs incurred by it in doing so from the Developer as a liquidated debt.

7.7. Costs of Council

Where Council exercises its step-in rights under clause 7.6, it may:

- (a) call upon the Bank Guarantees provided by the Developer pursuant to clause 12 to meet any costs for which the Developer is liable under clause 7.6; and
- (b) recover as a debt due in a court of competent jurisdiction any difference between the amount of the Bank Guarantees and the costs incurred by Council in rectifying the Defects.

8. Warranties and indemnities

8.1. Warranties

The Developer warrants to Council that:

- (a) it is able to fully comply with its obligations under this Agreement;
- (b) it has full capacity to enter into this Agreement; and
- (c) there is no legal impediment to it entering into, or performing the obligations under, this Agreement.

8.2. Indemnity

The Developer indemnifies Council in respect of any Claim that may arise as a result of the conduct of the Works, but only to the extent that any such Claim does not arise as a result of the negligent acts or omissions, wilful misconduct, fraud or default of Council.

9. Contamination

9.1. Definitions

For the purpose of this clause:

Contamination has the meaning given to that word in the *Contaminated Land Management Act 1997* (NSW).

Contaminated means subject to Contamination.

Environment means all components of the earth, including:

- (a) land, air and water;
- (b) any layer of the atmosphere;
- (c) any organic or inorganic matter;
- (d) any living organism; and
- (e) natural or man-made or modified features or structures, and includes ecosystems and all elements of the biosphere.

Environmental Law means all laws relating to the protection of or prevention of harm to the Environment including but not limited to any law relating to the use of land, planning, environmental assessment, the environmental or historic heritage, water, water catchments, pollution of air, soil, ground water or surface water, noise, soil, chemicals, pesticides, hazardous goods, building regulation, occupation of buildings, public health or safety, occupational health and safety, environmental hazard, any aspect of protection of the environment or the enforcement or administration of any of those laws (whether those laws arise under statute or the common law or pursuant to any permit, licence, approval, notice, decree, order or directive of any governmental agency or otherwise).

9.2. Warranty and indemnity

- (a) The Developer warrants that, the Designated Land is not Contaminated.
- (b) The Developer indemnifies and must keep indemnified Council against all liability for and associated with all Contamination present in, on or under the Designated Land as at the date of dedication or transfer of the Designated Land to Council in accordance with this Agreement.

9.3. Contamination outside of the Land

Subject to clause 9.4, if the Developer discovers any Contamination in, on or under any land where the Works are being undertaken and carried out including land which is outside the boundary of the Land:

- (a) the Developer will:
 - i. immediately suspend any works being carried out in the immediate vicinity of the location where the Contamination was discovered, so as not to disturb the Contamination and shall not recommence such works until it can do so without disturbing the Contamination or without interfering with an investigation and/or remediation works undertaken in accordance with this clause 9.3;
 - ii. promptly notify Council of the presence of the Contamination; and
 - iii. within fourteen (14) days of the Developer providing a notice under clause 9.3(a)(ii), provide Council with a proposal:
 - (A) identifying one or more methodologies to investigate the full extent of the Contamination and remediate the Contamination; and
 - (B) providing budget costings in relation to each methodology identified in clause 9.3(a)(iii)(A),
- (b) Council will, within fourteen (14) days of receiving the Proposal, instruct the Developer in writing:
 - i. if the Developer had identified only one methodology in the Proposal, that Council accepts the Proposal; or
 - ii. if the Developer had identified more than one methodology in the Proposal, the methodology (including the relevant budget costings) accepted by Council; or
 - iii. if Council does not accept any of the methodologies identified in the Proposal (such consent not to be unreasonably withheld), Council's reasons for its disagreement and its preferred alternative methodology of remediating the Contamination; and

(c) if:

- i. clause 9.3(b)(i) applies, the Developer will investigate and remediate the Contamination in accordance with the methodology in the Proposal;
 - ii. clause 9.3(b)(ii) applies, the Developer will investigate and remediate the Contamination in accordance with the methodology accepted by Council;
 - iii. clause 9.3(b)(iii) applies, the Developer will:
 - (A) investigate and remediate the Contamination in accordance with Council's alternative methodology; or
 - (B) notify Council that it does not agree with Council's alternative methodology and provide reasons for its disagreement, in which case:
 - (1) the parties will cooperate and work together in good faith to identify an agreed methodology; and
 - (2) the Developer will investigate and remediate the Contamination in accordance with the methodology agreed by the parties under clause 9.3(c)(iii)(B)(1); or
 - iv. Council does not provide an instruction within the time specified in clause 9.3(b), Council is deemed to have accepted the Proposal and the Developer will investigate and remediate the Contamination in accordance with any methodology identified in the Proposal, and at no cost to Council.
- (d) If the Parties have not agreed on a methodology under clause 9.3(c)(iii)(B)(1) within fourteen (14) days of the Developer's notice in clause 9.3(c)(iii)(B), then clause 14 applies.

9.4. Contamination caused by Developer

- (a) If Contamination in, on or under the Land or land which is outside the boundary of the Land is caused or contributed to by the Developer or as a direct consequence of the Works being undertaken or carried out by the Developer under this Agreement, the Developer will, at its own cost and within a reasonable time, remediate the Contamination to a standard suitable for the current and future use of that land.
- (b) Where Contamination is caused or contributed to by the Developer as a direct consequence of the Works being undertaken or carried out by the Developer under this Agreement, and that Contamination is in, on or under any land that is owned or occupied by the Council, or under the management and control of the Council, the Developer indemnifies and must keep indemnified Council against all liability for and associated with all such Contamination.

10. Registration

10.1. Registration

This Agreement must be registered on the title of the Land pursuant to section 7.6 of the Act.

10.2. Obligations of the Developer

The Developer must:

- (a) do all things necessary to allow the registration of this Agreement to occur, including but not limited to obtaining the consent of any mortgagee registered on the title of the Land; and
- (b) pay any reasonable costs incurred by Council in undertaking that registration.

10.3. Removal from Title of the Land

- (a) Council will do all things necessary to allow the Developer to remove the registration of this Agreement from the title of the Land where the Developer has:
 - i. provided all Monetary Contributions;
 - ii. Completed the Works; and
 - iii. dedicated the Designated Land.
- (b) The Developer must pay any reasonable costs incurred by Council in undertaking that discharge.
- (c) Clause 10.3 does not merge on completion and shall survive on termination of this Agreement.

11. Determination

11.1. Determination

This Agreement will determine upon the earlier of:

- (a) the Developer satisfying all of its obligations under the Agreement; and
- (b) registration of a plan of subdivision that creates the last Residential Lot in the Development.

11.2. Effect of Determination

Upon the determination of this Agreement Council will do all things necessary to allow the Developer to remove the notation of this Agreement from the title of the whole or any part of the Land as quickly as possible.

12. Security

12.1. Delivery to Council of Bank Guarantee

Except to the extent that a bank guarantee, bond or other security has been provided by the Developer in relation to the Works (or any part thereof) pursuant to a development consent (granted by Council or any other relevant Authority) in connection with the Land, prior to the issue of a Subdivision Works Certificate for the Development, the Developer must deliver to Council a Bank Guarantee in the amount of 100% of the Value of the Works.

12.2. Council may call on Bank Guarantee

- (a) Council may make an appropriation from the Bank Guarantee (and the proceeds of the Guarantee, including any interest earned in respect of such proceeds) at any time, without prior notice to the Developer, in such amount as the Council, acting reasonably, thinks appropriate for the provision of the Works, the Costs of rectifying any default by the

Developer under this Agreement, ensuring due and proper performance of the Developer's obligations under this Agreement if

- i. the Developer fails to deliver, or comply with its obligations under this Agreement in relation to the delivery of the Works (including with respect to the rectification of Defects), and such failure has not been rectified to the reasonable satisfaction of the Council within 14 (days) of receipt of written notice requiring performance of its obligations; or
- i. the Developer fails to make the Development Contributions in accordance with this Agreement.

(b) Within 10 days of Council making an appropriation from the Guarantee, Council must notify the Developer of that appropriation.

12.3. Top Up of Bank Guarantee

Within fourteen (14) days of being requested to do so by Council the Developer must ensure that the amount secured by any Bank Guarantee is returned to the relevant level set out in clause 12.1.

12.4. Security during Defects Liability Period

- (a) Upon the Completion of an Item of Work and the commencement of the applicable Defects Liability Period, Council must return any Bank Guarantees held by it with respect to the relevant Completed Item of Work.
- (b) In exchange, the Developer must provide Council with one (1) or more Bank Guarantees for an amount equal to 5% of the value for that Completed Item of Work as described in Section B of Schedule 3.

12.5. Return of Bank Guarantee

Council must return the remaining Bank Guarantees (if any) to the Developer within thirty (30) days from the expiration of the Defects Liability Period for the last Item of Work that is Completed.

13. Consent to Compulsory Acquisition of the Designated Land

13.1. Consent to Compulsory Acquisition of the Designated Land

Subject to clause 13.2(a), the Developer consents to the compulsory acquisition of the Designated Land:

- (a) in accordance with the Acquisition Act; and
- (b) on the terms set out in clause 13.2(b).

13.2. Council's right to acquire

- (a) Council may only acquire the Designated Land compulsorily in accordance with the Acquisition Act if the Developer has failed to comply with its obligations with respect to the dedication of that land under this Agreement;
- (b) If Council acquires the Designated Land compulsorily in accordance with the Acquisition Act;
- (c) the Developer agrees that the compensation payable to it on account of that acquisition under the Acquisition Act is \$1.00; and

- (d) Council must complete that acquisition within twelve (12) months of a written notice from Council to the Developer setting out the Developer's failure to comply with its obligations with respect to the dedication of the Designated Land under this Agreement.

13.3. Consent of owners

The Parties agree that the provisions of clause 13 are an agreement with respect to the compulsory acquisition of the Designated Land for the purpose of section 30 of the *Land Acquisition Act 1991*.

14. Dispute Resolution

14.1. Notice of Dispute

- (a) If a dispute between the Parties arises in connection with this Agreement or its subject matter (**Dispute**), then either party (**First Party**) must give to the other (**Second Party**) a notice which:
 - i. is in writing;
 - ii. adequately identifies and provides details of the Dispute;
 - iii. stipulates what the First Party believes will resolve the Dispute; and
 - iv. designates its representative (**Representative**) with the necessary authority to negotiate and resolve the Dispute.
- (b) The Second Party must, within seven (7) days of service of the notice of dispute, provide a notice to the First Party designating as its representative a person with the necessary authority to negotiate and settle the Dispute (the representatives designated by the Parties being together, the **Representatives**).

14.2. Conduct Pending Resolution

The Parties must continue to perform their respective obligations under this Agreement if there is a Dispute but will not be required to complete the matter the subject of the Dispute, unless the appropriate party indemnifies the other parties against costs, damages and all losses suffered in completing the disputed matter if the Dispute is not resolved in favour of the indemnifying party.

14.3. Further Steps Required before Proceedings

Subject to clause 14.12 and except as otherwise expressly provided in this Agreement, any Dispute must, as a condition precedent to the commencement of litigation, mediation under clause 14.5 or determination by an expert under clause 14.6, first be referred to the Representatives. The Representatives must endeavour to resolve the dispute within seven (7) days of the date a notice under clause 14.1 is served.

14.4. Disputes for Mediation or Expert Determination

If the Representatives have not been able to resolve the Dispute, then the Parties must agree within seven (7) days to either refer the matter to mediation under clause 14.5 or expert resolution under clause 14.6.

14.5. Disputes for Mediation

- (a) If the Parties agree in accordance with clause 14.4 to refer the Dispute to mediation, the mediation must be conducted by a mediator agreed by the Parties and, if the Parties

cannot agree within seven (7) days, then by a mediator appointed by the President of the Law Society of New South Wales for the time being.

- (b) If the mediation referred to in clause 14.5(a) has not resulted in settlement of the Dispute and has been terminated, the Parties may agree to have the matter determined by expert determination under clause 14.6.

14.6. Choice of Expert

- (a) If the Dispute is to be determined by expert determination, this clause 14.6 applies.
- (b) The Dispute must be determined by an independent expert in the relevant field:
- i. agreed between and appointed jointly by the Parties; or
 - ii. in the absence of agreement within seven (7) days after the date that the matter is required to be determined by expert determination, appointed by the President of the Law Society of New South Wales for the time being.
- (c) If the Parties fail to agree as to the relevant field within seven (7) days after the date that the matter is required to be determined by expert determination, either party may refer the matter to the President of the Law Society of New South Wales for the time being whose decision as to the relevant field is final and binding on the Parties.
- (d) The expert appointed to determine a Dispute:
- i. must have a technical understanding of the issues in dispute;
 - ii. must not have a significantly greater understanding of one party's business, functions or operations which might allow the other side to construe this greater understanding as a bias; and
 - iii. must inform the Parties before being appointed of the extent of the expert's understanding of each party's business or operations and, if that information indicates a possible bias, then the expert must not be appointed except with written approval of the Parties.
- (e) The Parties must promptly enter into an agreement with the expert appointed under this clause setting out the terms of the expert's determination and the fees payable to the expert.

14.7. Directions to Expert

- (a) In reaching a determination in respect of a dispute under clause 14.6, the independent expert must give effect to the intent of the Parties entering into this Agreement and the purposes of this Agreement.
- (b) The expert must:
- i. act as an expert and not as an arbitrator;
 - ii. not accept verbal submissions unless both Parties are present;
 - iii. on receipt of a written submission from one party, ensure that a copy of that submission is given promptly to the other party;

- iv. take into consideration all documents, information and other material which the Parties give the expert which the expert in its absolute discretion considers relevant to the determination of the Dispute;
 - v. not be expected or required to obtain or refer to any other documents, information or material (but may do so if the expert so wishes);
 - vi. issue a draft certificate stating the expert's intended determination (together with written reasons), giving each party fourteen (14) days to make further submissions;
 - vii. issue a final certificate stating the expert's determination (together with written reasons); and
 - viii. act with expedition with a view to issuing the final certificate as soon as practicable.
- (c) The Parties must comply with all directions given by the expert in relation to the resolution of the Dispute and must within the time period specified by the expert, give the expert:
- i. a short statement of facts;
 - ii. a description of the Dispute; and
 - iii. any other documents, records or information which the expert requests.

14.8. Expert may Convene Meetings

- (a) The expert must hold a meeting with all of the Parties present to discuss the Dispute. The meeting must be conducted in a manner which the expert considers appropriate. The meeting may be adjourned to, and resumed at, a later time in the expert's discretion.
- (b) The Parties agree that a meeting under paragraph (a) is not a hearing and is not an arbitration.

14.9. Other Courses of Action

If:

- (a) the Parties cannot agree in accordance with clause 14.3 to refer the matter to mediation or determination by an expert; or
- (b) the mediation referred to in clause 14.5 has not resulted in settlement of the dispute, the mediation has been terminated and the Parties have not agreed to refer the matter to expert determination within seven (7) days after termination of the mediation,
- (c) then either party may take whatever course of action it deems appropriate for the purpose of resolving the Dispute.

14.10. Final Determination of Expert

The Parties agree that the final determination by an expert will be final and binding upon them except in the case of fraud or misfeasance by the expert.

14.11. Costs

If any independent expert does not award costs, each party must contribute equally to the expert's costs in making the determination.

14.12. Remedies Available under the Act

This clause 14 does not operate to limit the availability of any remedies available to Council under sections 9.45 and 9.46 and Division 9.6 of the Act.

14.13. Urgent Relief

This clause 14 does not prevent a party from seeking urgent injunctive or declaratory relief concerning any matter arising out of this Agreement.

15. Position of Council

15.1. Consent Authority

The Parties acknowledge that Council is a consent authority with statutory rights and obligations pursuant to the terms of the Planning Legislation.

15.2. Agreement does not Fetter Discretion

This Agreement is not intended to operate to fetter:

- (a) the power of Council to make any Law; or
- (b) the exercise by Council of any statutory power or discretion (**Discretion**).

15.3. Severance of Provisions

(a) No provision of this Agreement is intended to, or does, constitute any unlawful fetter on any Discretion. If, contrary to the operation of this clause, any provision of this Agreement is held by a court of competent jurisdiction to constitute an unlawful fetter of any Discretion, the Parties agree:

- i. they will take all practical steps, including the execution of any further documents, to ensure the objective of this clause 15 is substantially satisfied;
- ii. in the event that the intention in clause 15.3(a) cannot be achieved without giving rise to an unlawful fetter on a Discretion, the relevant provision is to be severed and the remainder of this Agreement has full force and effect; and
- iii. to endeavour to satisfy the common objectives of the Parties in relation to the provision of this Agreement which is held to be an unlawful fetter to the extent that it is possible having regard to the relevant court judgment.

(b) Where the Law permits Council to contract out of a provision of that Law or gives Council power to exercise a Discretion, then if Council has in this Agreement contracted out of a provision or exercised a Discretion under this Agreement, then to the extent of this Agreement is not to be taken to be inconsistent with the Law.

15.4. No Obligations

Nothing in this Agreement will be deemed to impose any obligation on Council to exercise any of its functions under the Act in relation to the Development Consent, the Land or the Development in a certain manner.

16. Goods and Service Tax

16.1. Definitions

In this clause:

Taxable supply, GST, Tax Invoice and Input Tax Credit have the same meaning given to them in GST Law.

16.2. Non-monetary Supplies

- (a) The Parties agree that any non-monetary supplies made by one party to the other pursuant to this Agreement (including Works and the dedication of land) will be exempt from GST pursuant to Division 82 of the GST Law.
- (b) In the event that one party reasonably believes that the non-monetary supply it makes to the other is a Taxable Supply then the Parties agree to negotiate in good faith to agree to the GST inclusive market value of that Taxable Supply as follows:
 - i. The party making the Taxable Supply will issue a Tax Invoice to the other as soon as practicable after agreeing to the GST inclusive market value and will disclose the amount of GST included in the GST inclusive market value.
 - ii. The recipient of the Taxable Supply will pay to the other party the amount of the included GST within fifteen (15) days of receiving the Tax Invoice.
- (c) In the event that both Parties reasonably believe that each make a non-monetary Taxable Supply to the other, any GST payable by one party to the other will be off-set against each other and any net difference will be paid by the party with the greater obligation.

16.3. Supply Expressed in Terms of Money

If any party reasonably believes that it is liable to pay GST on a supply expressed in terms of money (or where the consideration for the supply is expressed in terms of money) and made to the other party under this Agreement and the supply was not expressed to include GST, then:

- (a) the recipient of the supply must pay an amount equal to the GST on that supply to that other party;
- (b) the party making the supply will issue a Tax Invoice to the other party; and
- (c) the recipient of the supply will pay the amount of the GST to the supplier within fifteen (15) days of receiving the Tax Invoice.

16.4. Expenses and Costs incurred

If any expenses or costs incurred by one party are required to be reimbursed by the other party under this Agreement, then the amount of the reimbursement will be calculated as follows:

- (a) The amount of the cost or expense incurred by the party seeking reimbursement will be initially calculated excluding any Input Tax Credit to which that party is entitled to claim.
- (b) This amount initially calculated will be increased by the applicable rate of GST to equal a GST inclusive reimbursement amount and this amount will be paid by the party liable to make the reimbursement.

- (c) The party being reimbursed will issue a Tax Invoice to the other at the GST inclusive reimbursement amount prior to being reimbursed.

16.5. Survival of Clause

Clause 16 does not merge on completion and shall survive termination of this Agreement.

17. Access to Land

17.1. Application of Clause

This clause applies if the Developer accesses, uses and/or occupies any land owned by Council in performing its obligations or exercising its rights under this Agreement (**Necessary Access**).

17.2. Terms of Licence

The terms of Schedule 2 apply to any Necessary Access.

18. Explanatory Note

18.1. Explanatory note

- (a) The Appendix contains the Explanatory Note relating to this Agreement required by clause 25E of the Regulation.
- (b) Pursuant to clause 25E(7) of the Regulation, the Parties agree that the Explanatory Note is not to be used to assist in construing this Agreement.

19. Legal costs

19.1. Legal costs

The Developer will bear its own costs and those of Council in relation to the preparation, negotiation, execution and registration of this Agreement and any document related to this Agreement.

20. Administrative Provisions

20.1. Notices

- (a) Any notice, consent or other communication under this Agreement must be in writing and signed by or on behalf of the person giving it, addressed to the person to whom it is to be given and:
- i. delivered to that person's address;
 - ii. sent by pre-paid to that person's address; or
 - iii. sent by email to that person's email address.
- (b) A notice given to a person in accordance with this clause is treated as having been given and received:
-

- i. if delivered to a person's address, on the day of delivery if a Business Day, otherwise on the next Business Day;
 - ii. if sent by pre-paid mail, on the third Business Day after posting; and
 - iii. if sent by email to a person's email address and a confirmation of receipt can be retrieved, on the day it was sent if a Business Day, otherwise on the next Business Day.
- (c) For the purpose of this clause the address of a person is the address set out in this Agreement or another address of which that person may from time to time give notice to each other person.

20.2. Severability

If anything in this Agreement is unenforceable, illegal or void then it is severed and the rest of this Agreement remains in force.

20.3. Entire understanding

This Agreement:

- (a) is the entire Agreement and understanding between the Parties on everything connected with the subject matter of this Agreement; and
- (b) supersedes any prior Agreement or understanding between the Parties on anything connected with that subject matter.

20.4. Variation

An amendment or variation to this Agreement is not effective unless it is in writing and signed by the Parties.

20.5. Waivers and consents

Except as expressly stated in this Agreement, each Party acknowledges that:

- (a) a waiver or consent under this Agreement is not effective unless it is in writing and signed by the Parties entitled to give the waiver or consent;
- (b) a waiver or consent may be given conditionally or unconditionally or withheld at the absolute discretion of the Party entitled to give the waiver or consent;
- (c) a waiver of a power or right or the giving of consent is effective only in respect of the specific instance to which it relates and for the specific purpose for which it is given;
- (d) a party's failure or delay to exercise a power or right does not operate as a waiver of that power or right; and
- (e) the exercise of a power or right does not preclude either its exercise in the future or the exercise of any other power or right.

20.6. Counterparts

This Agreement may be executed in a number of counterparts and the counterparts taken together constitute one and the same instrument.

20.7. No right of set off

Except as expressly stated in this Agreement, a Party has no right of set-off against a payment due to another Party.

20.8. Relationship of parties

Nothing in this Agreement creates a relationship between the Parties of partnership, employment, principal and agent or of trustee and beneficiary.

20.9. Power of Attorney

Each attorney (if any) who executes this Agreement on behalf of a party declares that the attorney has no notice of:

- (a) the revocation or suspension of the power of attorney by the grantor; or
- (b) the death of the grantor.

20.10. Review Requirements

- (a) The Parties agree to review during the event that either party believes that a change in circumstances has or will occur that will affect the operation and carrying out of this Agreement.
- (b) Review of this Agreement is required if any Legislation is introduced or changed to the effect that it would limit, stop, substantially change or otherwise hinder the operation or implementation of this Agreement in the opinion of either Party.
- (c) The Parties are to use all reasonable endeavours to agree on and implement appropriate amendments to this Agreement should reasonable and necessary amendments be identified.
- (d) If this Agreement becomes illegal, unenforceable or invalid as a result of any change to Legislation, the Parties agree to do all things necessary to ensure that an enforceable agreement of the same or similar effect to this Agreement is entered into.

20.11. Further Agreements

This Agreement does not restrict further agreements between the Parties that are not inconsistent with this Agreement.

20.12. Force Majeure

If a Party is affected, or likely to be affected, by a Force Majeure Event, that Party must promptly notify the other Party, giving:

- (a) full details of the event;
- (b) an estimate of its duration;
- (c) the obligations under this Agreement it affects and how much it will affect them; and
- (d) the steps either taken or planned to manage its effects.

20.13. Suspension of Obligations under a Force Majeure

- (a) A Party's obligations under this Agreement are suspended if those obligations are affected by a Force Majeure Event for as long as the event continues.
- (b) A Party affected by a Force Majeure Event must do all it reasonably can to remove, overcome or minimise the effects of the event as quickly as possible.

20.14. Surrender of Right of Appeal

The Developer is not to commence or maintain any proceedings in any court, tribunal or similar appealing against or questioning the validity of this Agreement or an approval relating to the Development in so far as the subject matter of the proceedings relates to this Agreement.

20.15. Notations under s 10.7(5) of the Act

Council may, at its absolute discretion, make a notation on a planning certificate issued under section 10.7(5) of the Act detailing the application or effect this Agreement has on the Land.

20.16. Confidentiality

The terms of this Agreement are not confidential and this document may be treated as a public document and exhibited or reported without restriction by any party.

20.17. Governing law

The law of New South Wales governs this Agreement.

20.18. Jurisdiction

The Parties submit to the non-exclusive jurisdiction of the courts of New South Wales and any courts which are entitled to hear appeals from them.

EXECUTED as a Deed.

EXECUTED by and on behalf of **GOULBURN
MULWAREE COUNCIL ABN 84 049 849 319**)
by its authorised delegate pursuant to section)
377 of the Local Government Act 1993 in the)
presence of:)
)

Signature of authorised delegate

Signature of witness

Name of authorised delegate
(BLOCK LETTERS)

Name of witness (BLOCK LETTERS)

Address of witness (BLOCK LETTERS)

EXECUTED by)
Carrington Clarke Group Pty Limited)
(ABN 39 150 492 265))
by its duly appointed attorney pursuant to)
registered Power of Attorney Book No 4753)
Folio 66 in the presence of)

Signature of witness

Signature of attorney

Name of witness
(BLOCK LETTERS)

Name of attorney
(BLOCK LETTERS)

Schedule 1 – Requirements under Section 7.4 of the Act

Requirement Under the Act	This Agreement
<p>Planning instrument and/or Development Application – section 7.4(1)</p> <p>The Developer has:</p> <ul style="list-style-type: none"> (a) sought a change to an environmental planning instrument; (b) made, or propose to make, a Development Application; (c) entered into an agreement with, or is otherwise associated with, a person, to whom paragraph (a) or (b) applies. 	<ul style="list-style-type: none"> (a) No (b) Yes (c) No
<p>Description of land to which this Agreement applies – section 7.4(3)(a)</p>	<p>The land described as Lot 50 in DP 1268828 Marulan NSW</p>
<p>Description of change to the environmental planning instrument or the development to which this Agreement applies – section 7.4(3)(b)</p>	<p>Subdivision of the Land to create 16 Residential Lots and one residual Lot</p>
<p>Application of section 7.11 of the Act – section 7.4(3)(d)</p>	<p>Refer to clause 3.4 of this Agreement.</p>
<p>Application of section 7.12 of the Act – section 7.4(3)(d)</p>	<p>Refer to clause 3.4 of this Agreement.</p>
<p>Consideration of benefits under this Agreement if section 7.11 applies – section 7.4(3)(e)</p>	<p>Refer to clause 3.4 of this Agreement.</p>
<p>Mechanism for dispute resolution – section 7.4(3)(f)</p>	<p>Refer to clause 14 of this Agreement.</p>
<p>Enforcement of this Agreement – section 7.4(3)(g)</p>	<p>Refer to clause 12 of this Agreement.</p>
<p>No obligation to grant consent or exercise functions – section 7.4(9)</p>	<p>Refer to clause 15 of this Agreement.</p>

Schedule 2 – Terms of Licence

1. Definitions

For the purposes of this Schedule 2:

- (a) the **Land** is the land being accessed under the Licence;
- (b) the **Licence** means the licence of the Land to which this Schedule applies;
- (c) the **Licensee** is the party accessing the Land; and
- (d) the **Licensor** is the owner of the Land.

2. Licence

2.1 Personal Rights

- (a) The Licence is personal to the Licensee.
- (b) The Licensee may not encumber, assign or transfer (either directly or indirectly) the Licence without the prior written consent of the Licensor.
- (c) The Licensor may refuse the granting of consent under paragraph (ii) without reason and at its absolute discretion.

2.2 Leasehold Interest

- (a) This Agreement does not grant to the Licensee a leasehold interest in the Land. The Parties agree that:
 - i. the Licence does not confer exclusive possession of the Land on the Licensee;
 - ii. the Licensee may not exclude the Licensor, its officers, employees and invitees from:
 - (A) entry onto the Land; and
 - (B) the performance of any works on the Land,
 provided that such entry onto and/or performance of work on the Land does not unreasonably interfere with the activities being carried out on the Land by the Licensee;
- (b) the Licensee does not have any right to quiet enjoyment of the Land; and
- (c) the Licensee will not at any time seek to enforce an interest in the Land in competition with the interest held by the Licensor.

3. Compliance with Authorities

3.1 No Warranty as to Suitability for Use

The Licensee acknowledges and agrees that the Licensor has not made any representation or warranty to the Licensee regarding the suitability of the Land for the purposes of the Licensee.

3.2 Compliance with the Terms of the Consents



The Licensee must comply with the requirements of all Authorities in relation to its access to the Land and the conduct of any activities on it by the Licensee.

3.3 Compliance with Directions from Authorities

The Licensee must comply with all notices, directions, orders or other requests served upon itself or the Licensor and which arise from the conduct of any activities on the Land by the Licensee.

3.4 Obtaining Further Consents

- (a) If the Licensee requires further consents to conduct activities on the Land, it must:
 - i. make such applications itself; and
 - ii. bear all costs incurred by it in relation to obtaining the relevant consent.
- (b) The Licensor agrees that it will, where required, sign all authorities reasonably required by the Licensee to make any application to any Authority.

4. Limitation on the Licensor’s Liability

4.1 Insurances

- (a) The Licensee must effect and keep current and in force the following policies of insurance:
 - i. a Broadform Public Liability Insurance policy with a reputable insurance company approved by the Licensor in an amount of \$20,000,000 for any one occurrence in respect of any liability for:
 - (A) personal injury or death of any person; and
 - (B) loss or damage to property;
 - ii. Workers compensation insurance under the Workers Compensation Act 1987 covering all persons employed or deemed to be employed by the Licensee in connection with the conduct of the activities on the Land by the Licensee;
 - iii. A comprehensive policy of motor vehicle insurance or an unlimited third party property insurance policy in respect of all motor vehicles used in the performance of the activities on the Land by the Licensee; and
 - iv. A contractor’s risk policy of insurance in respect of all plant and equipment (including unregistered motor vehicles) used in the conduct of the activities on the Land by the Licensee.
- (b) The policies referred to in paragraphs (a)(i), (a)(iii) and (a)(iv) must note the interest of the Licensor as principal.

4.2 Inspection of Insurance

- (a) The Licensee must produce at the renewal of each policy a certificate of currency issued by the insurer establishing that the policy is valid.
- (b) The Licensor may carry out random audits to verify insurances held by the Licensee. The Licensee will assist in any audit and provide evidence of the terms and currency of the insurance policies wherever requested by the Licensor.

4.3 Cancellation of Insurance

If any policy is cancelled either by the Licensee or the insurer the Licensor must notify the Licensor immediately.

4.4 Risk

The Licensee uses and occupies the Land at its own risk.

4.5 Indemnity

The Licensee indemnifies the Licensor against any Claim (of whatever nature) made in respect of the Licensee's use and/or occupation of the Land.

PUBLIC EXHIBITION

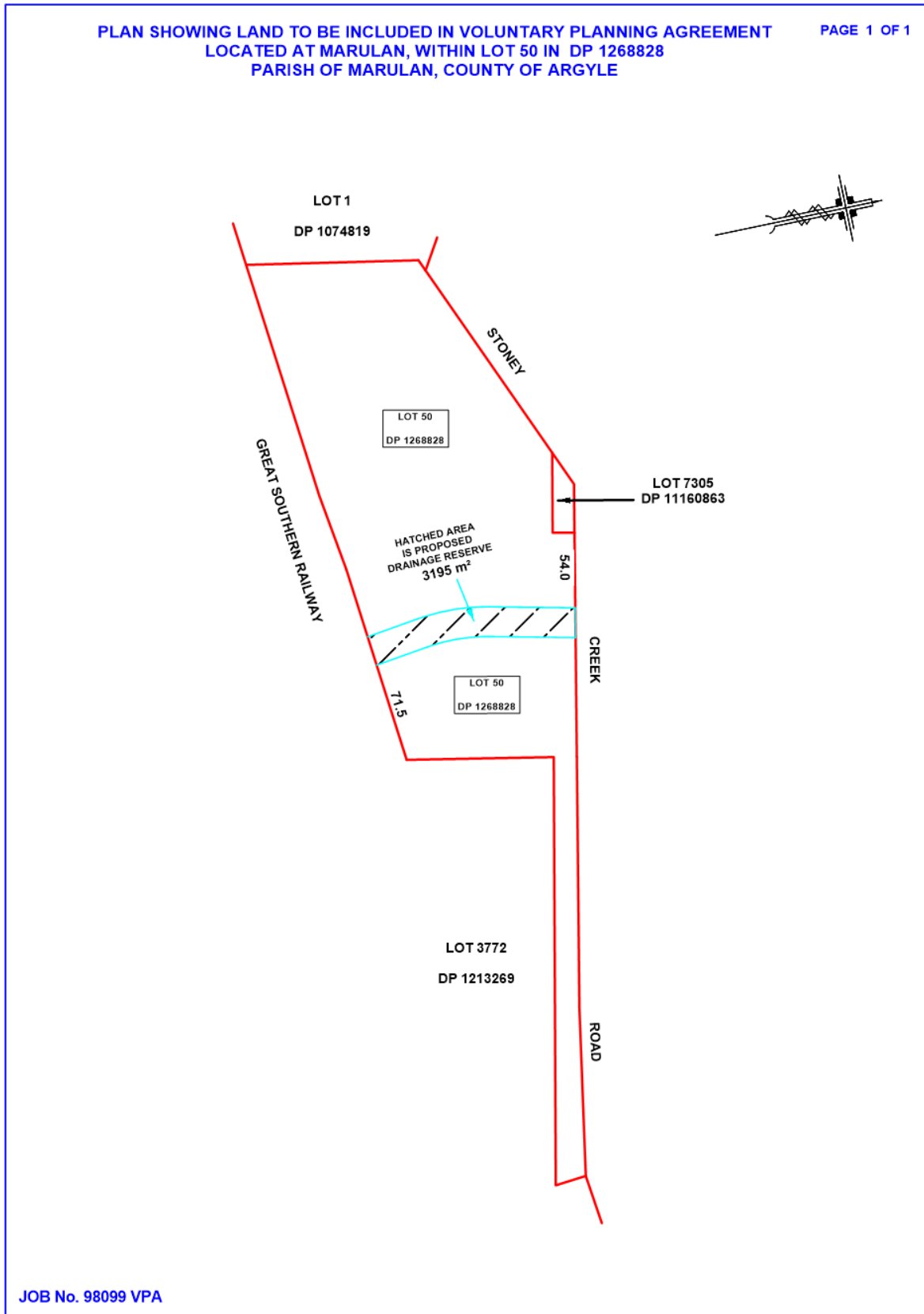
Schedule 3 – Development Contributions

Contribution	Public Purpose	Manner & Extent	Timing	Contribution Credit /	Value of Works
A. Dedication of Land					
Dedication of the Designated Land	Stormwater management and public open space	Dedication of land for the purposes of ongoing stormwater infrastructure management and riparian corridor.	Prior to the issue of the First Subdivision Certificate	\$0.00 Developer works	-
B. Carrying out of Work					
Construction of riparian corridor	Stormwater quality management	The construction of riparian corridor in accordance with the Development Consent, the referenced plans, Water NSW Concurrence requirements, and the Subdivision Works Certificate.	Prior to the dedication of the Designated Land.	\$0.00 Developer works	\$130,000.00
Stormwater Management Works	Stormwater quality management	The construction of the rain gardens in accordance with the Development Consent, the referenced plans, Water NSW Concurrence requirements, and the Subdivision Works Certificate.	Prior to the dedication of the Designated Land.	\$0.00 Developer works	\$35,000.00
C. Monetary Contribution					
Monetary Contribution	Drainage	Ongoing maintenance (30 years) of rain gardens	To be paid prior to the issuance of the First Subdivision Certificate.	\$45,000 At 17 August 2020	N/A
Monetary Contribution	Drainage	Capitalisation and first renewal of rain gardens (30 years)	To be paid prior to the issuance of the First Subdivision Certificate	\$28,000 At 17 August 2020	N/A
Monetary Contribution	Maintenance	Ongoing maintenance (30 years) of riparian corridor	To be paid prior to the issuance of the First Subdivision Certificate	\$60,000 At 17 August 2020	N/A

Appendix A – Designated Land Plan

PUBLIC EXHIBITION





Street Tree List				
ID	Qty	Common Name	Botanical Name	Scheduled Size
Trees				
Euc man	18	Brittle Gum	Eucalyptus mannifera	45 litre



Native riparian edge grasses on road batter (2040m²). Spread minimum 150mm site topsoil. Native grass seed with supplementary virotube planting, with the following native species to achieve 4 - 6 plants/m²:

- Lomandra sp
- Microleana stipoides
- Themeda australis
- Hypericum gramineum
- Poa sieberana
- Austrodanthonia sp
- Austroctipa sp

Existing grasses retained in channel. Temporary fence during construction. Supplement with tree planting. (2045m²)

- Plant 40 trees: (minimum 150mm pot size)
- 5 Eucalyptus melliodora
- 5 Eucalyptus macarthurii
- 10 Eucalyptus cinerea
- 5 Eucalyptus rossi
- 10 Eucalyptus biskelyi
- 5 Eucalyptus albens

ISSUE	24 Oct 18	Issue to Council For DA
P1	11 Jan 19	Street tree amended, note added re existing trees in riparian

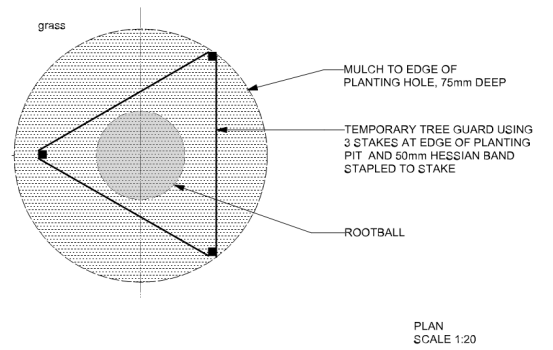
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Proposed 21 Lot Residential Subdivision - Marulan
 Lot 1&2 DP 1018139 Stoney Creek Road For: Patcha Developments Pty Ltd

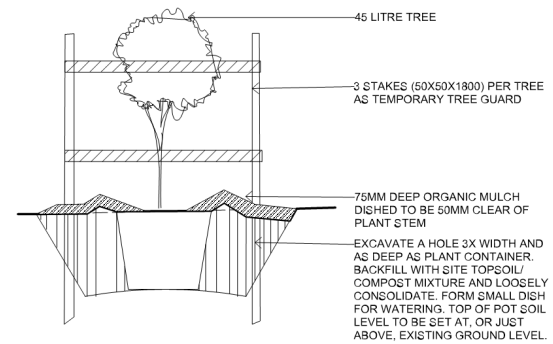
LANDSCAPE ARCHITECT
HLS Pty Limited
 Lindy Lean - Landscape Architect
 PO Box 313 Ashfield NSW 1800
 phone 02 9797 9366 fax 9716 6034

Landscape Plan	L 01
1:500 @A1	11 January 2019
status: For DA	ISSUE: A

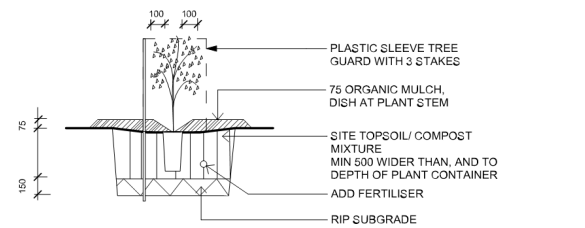
Patcha/Marulan Landscape v01 17 2019 date 11 Jan 2019



LOCATE SERVICES - WHERE SERVICES ARE WITHIN 2M OF CENTRE OF STREET TREE HOLE, SEEK DIRECTION.
LOCATE STREET TREE CENTRALLY IN GRASS VERGE



1 STREET TREE PLANTING SECTION SCALE 1:20



2 INDIVIDUAL PLANTING - Trees in riparian SECTION SCALE 1:20

OUTLINE PLANTING SPECIFICATION

The Landscape Works are to be installed in accordance with Industry Best Practice, installed by a qualified landscape contractor and be of the following minimum specification.

WEED ERADICATION:
Eradicate all noxious and environmental weeds by environmentally acceptable methods. All imported materials including plants, topsoil, compost and mulch shall be free of weeds or weed seed.

PLANTS
Plants shall be vigorous, well established, hardened off, free from disease and insect pests, of good form consistent with species, not soft or forced, with large healthy root systems and no evidence of having been restricted or damaged. All plant material shall be in minimum pot sizes as shown on schedule. Minimise on site storage time for plants.

MULCH
Organic mulch shall be free from deleterious and extraneous matter, including soil, weeds, rocks, twigs and the like. Organic mulch shall be equivalent to pine or eucalypt bark mulch. Place mulch min 50mm away from the stem of the plant to reduce collar rot.

TOPSOIL
Reuse site topsoil. Supplement with 25% compost in street tree holes.

FERTILISER
Fertiliser shall be organic plant fertiliser. Use native plant fertiliser consistent with each individual species needs.

LANDSCAPE ESTABLISHMENT AND MAINTENANCE:
Maintain all plants in a healthy viable condition, including all watering, weeding, spraying and re-mulching as necessary to achieve vigorous growth. Immediately replace any diseased or damaged plants. All plants are to be nurtured to industry best practice.

MAINTENANCE PERIOD: 12 months

REFER TO SHEET L01 FOR PLANT SCHEDULE

MAINTENANCE - STREET TREES

Street trees shall be maintained for 12 months following installation to the following minimum standard:

WATER
Water plants deeply - as a guideline: (25 litres of water per m2/week) three times a week for 2 weeks, then twice a week for 2 months, then 1-2 times per week for remainder of year. Monitor soil conditions to ensure root ball is kept moderately moist and adjust water quantity and frequency dependant on rainfall and season.

MULCH
Top up mulch to 100mm depth, in a minimum 600mm diameter around tree. Do not place mulch in direct contact with plant stem. Every 4 months.

WEEDS
Remove weeds from mulch area (by pulling out at roots). Do not spray herbicide within mulch zone. Fortnightly.

HEALTH
Inspect foliage and branches for disease or pest infestations. Fortnightly. Control where necessary.

STAKES
Check bollards and replace/repair as necessary. Adjust as required to ensure no damage to stem or branches. Ensure free movement of plant. Weekly.

FORMATIVE PRUNING.
Check for defects in tree structure and prune where necessary in accordance with Natural Target Pruning Techniques. Undertake pruning in accordance with AS4373:2007 "Pruning of Amenity Trees". Any pruning to be undertaken by qualified arborist or horticulturalist.

CROWN LIFTING.
At 6 monthly intervals, check that tree remains clear of pedestrian paths and vehicles. Remove lower branches as necessary to lift crown. Do not remove more than one third of total tree height. Prune as per "Formative Pruning".

FERTILISE
Apply an appropriate balanced N:P:K slow release fertiliser - every 4-6 months depending on season.

REPLACEMENTS
Replace all plants that are missing, unhealthy or dead with plants of the same size, quality and species. Replace on a continuing basis not exceeding 2 weeks. Fortnightly.

Patcha/Marulan_Landscape_v01_17.pdf date: 11 Jan 2019

ISSUE	24 Oct 18	Issue to Council For DA
P1	11 Jan 19	Street tree amended, note added re existing trees in riparian
A		

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<p>Proposed 21 Lot Residential Subdivision - Marulan</p> <p>Lot 1&2 DP 1018139 Stoney Creek Road For: Patcha Developments Pty Ltd</p>

<p>LANDSCAPE ARCHITECT</p> <p>HLS Pty Limited</p> <p>Lindy Lean - Landscape Architect</p> <p>PO Box 313 Aghfield NSW 1800</p> <p>phone 02 9797 9366 fax 9716 6034</p>

<p>Landscape Details</p> <p>1:500 @A1</p> <p>11 January 2019</p> <p>status: For DA</p> <p>ISSUE: A</p>	<p>L 02</p>
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Planning Agreement

Explanatory Note

Stoney Creek Road, Marulan – Lot 50 DP1268828

Prepared jointly by Goulburn Mulwaree Council

and

Marsdens Law Group (on behalf of the applicant)

12304138_1

Planning Agreement

Explanatory Note

Stoney Creek Road, Marulan – Lot 50 DP1268828

1. Introduction

This Explanatory Note has been prepared jointly between the parties in accordance with clause 25E of the *Environmental Planning & Assessment Regulation 2000* (NSW).

The purpose of this Explanatory Note is to provide a plain English summary to support the notification of a draft planning agreement (**Planning Agreement**) between the parties under s7.4 of the *Environmental Planning & Assessment Act 1979* (NSW) (**EPA Act**).

This Explanatory Note is not to be used to assist in construing the Planning Agreement.

2 Parties to the Planning Agreement

The parties to the Planning Agreement are:

- (1) Goulburn Mulwaree Council (ABN 84 049 849 319) (**Council**).
- (2) Carrington Clarke Group Pty Limited (ABN 39 150 492 265) (**Developer**).

3 Description of the Subject Land

The land to which the Planning Agreement relates, and to which the Planning Agreement will be registered, is set out in the table below (**Land**).

Folio Identifier	Location
Lot 50 DP1268828	Stoney Creek Road, Marulan NSW 2579

4 Summary of objects, nature and effect of the Planning Agreement

The **objective** of the Planning Agreement is to satisfy the condition in the development consent issued under the EPA Act with respect to DA/0171/1718 as set out in the Orders of the Land and Environment Court dated 27 August 2020 Case Number 2019/00146722 (**Development**), by providing development contributions to the public consisting of public

works, the payment of monetary contributions, and the dedication of land to Council for drainage reserve as outlined in blue and hatched in black on the plan attached at **Appendix A** of the Planning Agreement.

The **intent** of the Planning Agreement is to facilitate the provision of the development contributions provided by the Developer as described in the table below, all of which will be delivered prior to the issue of the first subdivision certificate in relation to the Development (**Contributions**).

Contribution	Specifications	Contribution Credit/Value
Dedication of the land at Appendix A .	Dedication of land for the purposes of ongoing stormwater infrastructure management and riparian corridor.	N/A
Construction of riparian corridor	The construction of riparian corridor in accordance with the Development Consent, the referenced plans, Water NSW Concurrence requirements, and the Subdivision Works Certificate.	\$130,000.00
Stormwater Management Works	The construction of the rain gardens in accordance with the Development Consent, the referenced plans, Water NSW Concurrence requirements, and the Subdivision Works Certificate.	\$35,000.00
Monetary Contribution - Drainage	Ongoing maintenance (30 years) of rain gardens	\$45,000.00 (at 17 August 2020)
Monetary Contribution - Drainage	Capitalisation and first renewal of rain gardens (30 years)	\$28,000.00 (at 17 August 2020)
Monetary Contribution - Maintenance	Ongoing maintenance (30 years) of riparian corridor,	\$60,000.00 (at 17 August 2020)

As security for the Developer's obligations to pay the Contributions, the Planning Agreement will be registered on the title of the Land and the Developer will provide Council with bank guarantees to ensure completion of the Contributions.

The **nature** of the Planning Agreement is a contractual relationship between the Council and the Developer for providing the Contributions.

The **effect** of the Planning Agreement is that the Developer will provide the Contributions in the manner provided for by the Planning Agreement (as applicable).

5 Assessment of the merits of the Planning Agreement

5.1 The planning purposes served by the Planning Agreement

In accordance with section 7.4 of the EPA Act, the Planning Agreement promotes the following public purpose:

- (1) Provision of infrastructure to accommodate and meet the demands of future developments and to mitigate the potential impacts of the Development on existing infrastructure;
- (2) Enables the subject land to be developed in a timely and efficient manner to promote economic development and employment opportunities;
- (3) Provides for the dedication of land for drainage reserve; and
- (4) Provides for the construction of a riparian corridor and water quality devices to enhance the natural environment.

5.2 How the Planning Agreement promotes the public interest

In accordance with the objects of the EPA Act, the Planning Agreement promotes the public interest in the following manner:

- (1) By providing certainty as to provision of the Contributions;
- (2) The proper management, development and conservation of land;
- (3) The promotion and co-ordination of the orderly and economic use and development of land; and
- (4) The Planning Agreement will provide an opportunity for involvement and participation by members of the community in development assessment, and are invited to make comment on the Planning Agreement.

5.3 The impact of the Planning Agreement

The overall impacts of the Planning Agreement are positive as it will:

- (1) Enable the land to be developed, therefore, increasing the availability of suitable residential land in Marulan for future housing needs;
- (2) Enable the land to be developed, which in turn will upgrade the local road network in the vicinity of the development; and

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-
- (3) Enhance the natural environment through the construction and long-term maintenance of the riparian corridor.

5.4 How the Planning Agreement promotes Council's guiding principles

The Planning Agreement promotes Council's guiding principles under section 8A of the *Local Government Act 1993* (NSW) to enable Councils to manage lands and other assets so that current and future local community needs can be met in an affordable way.

6 Identification of whether the Planning Agreement conforms with the Council's capital works program

The works are not dissimilar to Council's capital works program, therefore, the Planning Agreement conforms with Council's capital works program

7 Requirements of the Planning Agreement

The following requirements of the Agreement must be complied with before:

- (1) A Subdivision Works Certificate is issued: Nil.
- (2) A Subdivision Certificate is issued: Completion of Developer's Works and dedication of designated land and payment of monetary contributions.

15.8 COMPLIANCE UPDATE

Author: Business Manager Environment & Health
 Director Planning & Environment

Authoriser: Warwick Bennett, General Manager

Attachments: 1. Compliance Update  

Link to Community Strategic Plan:	CL1 - Effect resourceful and respectful leadership and attentive representation of the community. EN1 - Protect and enhance the existing natural environment, including flora and fauna native to the region. CO4 - Recognise and celebrate our diverse cultural identities, and protect and maintain our community’s natural and built cultural heritage.
Cost to Council:	Nil
Use of Reserve Funds:	Nil

RECOMMENDATION

That the compliance update report by the Business Manager Environment & Health be received and noted for information.

BACKGROUND

The purpose of this report is to provide an update on current compliance matters.

REPORT

Please find attached the current compliance update report of all active compliance matters subject to regulatory enforcement actions as of 25 August 2021.

In addition to the enforcement actions tabled in the attached report there are an additional twenty six (26) active customer requests requiring investigation to determine issues of non-compliance. These investigations will involve a considerable amount of time and require procedural fairness to be followed in order to firstly substantiate the matter, and then secondly to achieve a resolution. These matters will be reported in due course.

The current extended lockdown affecting New South Wales and particularly the Greater Sydney region has significantly impacted upon the service delivery and ability to conduct investigations. Many property owners in our Local Government Area reside within the Greater Sydney Region and as such have been unable to attend scheduled inspections or meetings resulting in these having to be held in abeyance indefinitely pending the easing of restrictions.

This is not only to ensure we maintain compliance with the Public Health Orders but to protect our Staff and the local community from potential exposure to COVID-19. Although in some instances Council may undertake inspections without the presence of the property owner, if the matter were to proceed to any required enforcement action Council would not be able to effectively demonstrate that procedural fairness in the investigation had been maintained if the owner was excluded from this part of the process. It is hoped that with the easing of restrictions the Environmental Health and Compliance Team will be able to clear the backlog of outstanding investigations.

ENVIRONMENT & HEALTH COMPLIANCE UPDATE REPORT

Colour Key



Enforcement Actions

Below is a list of all matters that have been investigated and determined that additional actions are needed to be taken in the way of further enforcement action.

This includes the issuing of Notices, Orders, Directions and Penalty Infringement Notices.

Primary Property	Details	Actions Taken	Compliance Date
118 Auburn Street	Collapsed retaining wall – Goulburn Central Motor lodge	NOPO Repair Order Repair Order – issued 05.07.2021 120 Day compliance period	Follow-up inspection due 08.10.2021
HP/0416/2021 Glynmar Road, Marulan	Illegal dumping of Demolition waste including asbestos	Inspection undertaken, Details and photos sent to EPA. EPA confirmed as Appropriate Regulatory Authority, investigation being handled by Waste Crime Taskforce, Council to provide assistance as requested.	Statement provided to EPA – No further action required at this time Council to be called as witness in enforcement proceedings
DA_0117_2021 Wakefield Park Raceway	Noise pollution, operating without appropriate consent	Prevention Notice of 8 January 2020 revoked. Consent granted with conditions to operate from 01.01.2022. Revised Prevention Notice issued reflecting new consent conditions.	Revocation Order effective date 31.07.2021 Prevention Notice in effect from 01.08.2021
DE/0282/1920 1129 Brayton Rd, Brayton	Adjacent to Council water inlet Marulan, man living in squalid conditions, no dwelling on the premises	Clean up direction issued Re-inspection conducted – premises remains non-compliant Show cause letter to be sent to owner regarding further enforcement actions to be commenced	Response to show cause letter due 10.09.2021
DE/0263/1920 396 Canyonleigh Rd, Brayton	Unauthorised class 1a dwelling converted farm shed	Notice of Proposed Order issued. BCA report received for structures, no development application received as required, show cause letter to be sent regarding further enforcement actions to be commenced	Response to show cause letter due 10.09.2021
DE/0267/1920 555 Forest Siding Rd, Middle Arm	Large scale unauthorised works and buildings with unlawful use as residential premises Pollution incident from unauthorised septic system	Multiple Orders issued Clean up directions issued PINs issued Determination by Council to pursue prosecution due to scale of illegal development and use Multiple requests for information issued to owners as part of legal proceedings Further request for information Notices to be issued 30.08.2021 to third parties regarding works undertaken at the property	Lodgement of Class 5 LEC proceedings by Council Legal Representatives expected within the next 6 weeks
DE/0263/2021 1 Tweedie St, Goulburn	Unauthorised retaining wall built partially on Council land	Notice of Proposed Order (demolition) issued. Application to be made to regularise wall and boundary adjustment	Advice sent to owner regarding outcome of representation review, approval pathway

August 2021

Primary Property	Details	Actions Taken	Compliance Date
			advised. Application to regularise development due 15.10.2021
DE/0285/2021 72 Clinton St, Goulburn	Unauthorised use as storage premises- Traffic control and associated items 'junk yard'	Notice of Proposed Order (Stop Use Order) issued	Order to be formally issued 26.08.2021 Compliance date 30.09.2021
DE/0227/2021 94 Faithfull St, Goulburn	Unauthorised shed on boundary and attached enclosed veranda to rear of dwelling	Penalty Infringement Notice issued, Notice of Proposed Order issued (demolition). Representation received and determined. Order to be held in abeyance pending determination of DA.	Approval pathway being sought, Development Application Due 30.09.2021
DE/0177/2021 102 Cowper St, Goulburn	Excess derelict motor vehicle storage	Order 21 issued. Brief of evidence being prepared.	Brief preparation for Council class 4 LEC proceedings within 6 weeks
DE/0284/1920 7 Prell St, Goulburn	Unauthorised conversion of garage to granny flat	Demolition Order held in abeyance whilst DA under assessment. Penalty Infringement Notice issued.	Subject to current DA & Building Information Certificate assessment determination due 30.08.2021
DE/0213/2021 121 Mulwaree St, Tarago	Unauthorised class 1a premises constructed in shed.	Order issued (Demolition), Penalty Infringement Notice issued. Owners seeking to lodge development application to regularise development and retain structures. Planning consultant engaged	Approval pathway being sought, Development Application due 24.09.2021
DE/02072/2021 785 Covan Creek Rd, Lake Bathurst	Unauthorised class 1a building in RU2 zone	Demolition Order & Penalty Infringement Notice issued. Tim Lee engaged by owners to lodge DA.	Approval pathway being sought, Development Application due 17.09.2021
DE/0109/2021 116 Golden Plains Dv, Qualigo	Unauthorised class 1a dwelling (farm building conversion)	Notice of Proposed Order issued (Demolition). Order held in abeyance pending outcome of DA. Extension request granted for DA submission.	Approval pathway being sought, Development Application due 31.10.2021
DE/0018/2122 52 Mundy St, Goulburn	Fire damaged structure and outbuildings/ site security and safety	Emergency Demolition Order issued	90 days compliance period with follow-up compliance inspection due 19.11.2021
DE/0257/2021 360 Bulls Pit Rd, Marulan	Unauthorised use of premises (storage of non-exempt food waste)	Stop Use order issued, PIN issued Follow up inspection conducted 03.08.2021, property still non-compliant, works are outstanding and misleading information provided to Council. Show Cause letter to be issued	Response to show cause letter due 30.09.2021
DE/0232/1920 18 Church Street, Gibn	Illegal Building and Earthworks	Stop Work Order issued Draft Restore Works and Demolish Works Orders issued PIN Issued	DA lodgement outstanding. Site survey completed by LandTeam and heritage architect engaged. Simon Croker acting on owners behalf, status update requested by 27.08.2021
DE/0038/1920 2 Cooma Ave, Goulburn	Illegal demolition and construction of stables	Demolition Order. Penalty Infringement Notice Issued.	DA lodgement outstanding. Robert Dorsett acting on

Primary Property	Details	Actions Taken	Compliance Date
			owners behalf, status update requested by 27.08.2021
DE/0066/2021 77 Bonnett Dve, Run O Waters	Illegal Earthworks to property and Council road reserve	Clean up Direction issued. Restore Works Order issued. Follow-up inspection revealed matters still outstanding, show cause letter to be issued	Response to show cause letter due 10.09.2021
DE/0193/2021 35 Theatre Dve, Goulburn	Not Accord Consent condition 32 and 33	Notice of Proposed Order (Compliance Order). Order issued (Compliance Order). Representation received – held in abeyance pending Modification Application outcome.	Subject to current DA assessment due 30.09.2021
DE/0203/2021 1 Day St, Goulburn (Willows Caravan Park)	Illegal building works (yurt, caravans and cabins)	Order issued (Stop Work) Owner has engaged consultant to determine if planning pathway available to regularise development without consent.	Compliant with Stop Work Order Development Application due 27.08.2021
DE/0131/2021 650 Pomeroy Rd, Pomeroy	Illegal conversion of garage to dwelling, illegal construction of pool, illegal an non-compliant septic system	Order issued (Cease Use, Restore, Works and Demolition) Clean-up Direction issued. Inspection scheduled 23.07.2021. Owner pursuing approval pathway for swimming pool and change of use for farm garage, Tim Lee engaged.	Owner refused Officer entry to the site to undertake compliance inspection– letter requiring access sent and warning issued regarding obstruction of authorised officers. Follow-up Inspection date 30.08.2021
DE/0300/2021 2710 Braidwood Rd, Lake Bathurst	Illegal dwelling and installation of solid fuel heater	Order issued (Demolition) Follow-up inspection revealed matters still outstanding, show cause letter to be issued	Response to show cause letter due 10.09.2021
DE/0265/2021 2464 Windellama Rd, Quialigo	RSPCA referred – animal issues plus two people living in squalid conditions, hoarding & no OSSM.	Inspection conducted. Any Order would likely render occupants homeless so provision of LGA are activated – Officer to liaise with Anglicare prior to issuing of Order	Contact to be made with Anglicare 30.08.2021
DE/0249/1920 204 Silverstream Rd, Lower Boro	Unauthorised class 1a dwelling >250 Sqm building Ownership recently changed	Notice of Proposed Order (Demolition) issued to new owner. Penalty Infringement Notice issued to previous owner	Follow up delayed due to COVID lockdown-extension until 30.09.2021
Lots 3 & 28 Silverstream Rd, Lower Boro	Unauthorised composite building class 1a dwelling & septic system	Order issued (Demolition)	Order Compliance 15.07.2021 Follow up delayed due to COVID lockdown-extension until 30.09.2021
DE/0032/2122 158 Nicholson Street, Goulburn	Unauthorised, demolitions, excavation and earthworks	Stop Work Order issued. Order complied with by owner and trades on-site	Immediate effect- 13.08.2021 Clearance Certificate to be issued before works resume, owner to advise of intentions with site 26.08.2021
DE/0286/1920 137 Styles Rd, Bungonia	Illegal Occupation of shed, unapproved installation and operation of OSSM, illegal clearing	Clean-up direction issued, Order issued (Stop Work). Development Application, S68 Application and OSMF application received.	Application with Planning for determination, follow-up 10.09.2021
DE/0061/1920 14729 Hume Highway, Marulan	Unauthorised class 1a dwelling	Notice of Proposed Order issued (Demolition) Representation received but no further correspondence from owners received. Show cause letter to be	Response to show cause letter due 10.09.2021

Primary Property	Details	Actions Taken	Compliance Date
		sent	
HP/0168/2021 74 Merino Rd, Marulan	Unauthorised waste or resource management facility (excessive car and car parts storage).	Order issued (Stop Use)	Compliance with Order due 11.08.2021 Follow-up Inspection scheduled 26.08.2021
DE/0208/2021 764 The Lookdown Rd, Bungonia	Large scale unauthorised Earthworks	DA to regularise illegal works rejected 15.05.2021. Show cause letter sent, response received Liaise with Planning to determine issues for refusal and future compliance actions required	Correspondence with owner due 27.08.2021

MONITORING PROGRAMS

PROGRAM
<p>FOOD INSPECTION PROGRAM Food Premises (Very High- 22, High- 94, Medium- 30, Low- 28, Temp- 26, Mobile-31, Child Care- 7, Home Based- 5 - Total Registered= 243</p> <ul style="list-style-type: none"> • Food Inspection Program – to recommence for the 2021/22 financial year in August 2021 • Food Website to be maintained • Food Newsletter (once yearly with calendars) Next edition scheduled for Dec 21 <p>All Very High, High and Medium risk businesses including Childcare, Home based and Mobile/ Temporary Food businesses must be inspected at least once per financial year</p>
<p>PUBLIC HEALTH PROGRAMS Health premises (Skin Pen- 23, Legionella- 10, Public Pools/Spas- 13, Water Carters- 7) – Total Registered = 53</p> <ul style="list-style-type: none"> • Maintain Public Health Act Registers • Enforce provisions of the Public Health Act and Regulation • Inspect all registered premises once per financial year
<p>DRINKING WATER SAMPLING</p> <ul style="list-style-type: none"> • Conduct Drinking Water Sampling Program each week and follow-up any instances of failure with NSW Health and Utilities
<p>Underground Petroleum Storage Systems Monitoring Program</p> <ul style="list-style-type: none"> • Update register of all UPSS sites • Work with CLO- CRJO on correspondence to all sites and enforcement as necessary • Update information held on Councils Contaminated Land Register for Past and Current sites
<p>On-site Sewage Management System Monitoring Program</p> <ul style="list-style-type: none"> • Monitoring Program undertaken for OSSM across the LGA to issue Approvals to Operate in accordance with the Local Government Act requirements • Pre-Purchase Inspections conducted as requested • Compliant Inspections • AWTS Approval Program
<p>Parking Monitoring Program</p> <ul style="list-style-type: none"> • CBD scheduled monitoring • School Zones as scheduled • Hospital Precinct Daily

15.9 DRAFT VEGETATION REMOVAL OFFSET POLICY AND ASSOCIATED FEES - POST EXHIBITION REPORT

Author: Landscape & Heritage Planner
 Director Planning & Environment

Authoriser: Warwick Bennett, General Manager

Attachments: 1. Draft Vegetation Offset Policy  

Link to Community Strategic Plan:	Planning Priority 10: Natural Environment – Vision 2040 – Protection and enhancement of the quality of the natural environments and system.
Cost to Council:	Administration of the Policy
Use of Reserve Funds:	N/A

RECOMMENDATION

That:

1. The report from the Landscape and Heritage Planner on the outcome of the public exhibition of the Vegetation Removal Offset Policy and associated fees be received.
2. Council adopt the Vegetation Removal Offset Policy and associated fees.
3. Council write to thank the Goulburn Field Naturalists Society Inc. for their submission in support of the Vegetation Removal Offset Policy.

Section 375A of the Local Government Act 1993 requires General Managers to record which Councillors vote for and against each planning decision of the Council, and to make this information publicly available.

BACKGROUND

This report is to advise Council on the outcome of the public exhibition of the Vegetation Removal Offset Policy and associated fees.

REPORT

At its meeting held 15 June 2021 Council resolved to place the Vegetation Removal Offset Policy and associated fees on public exhibition (resolution 2021/248):

That:

1. *The report from the Landscape & Heritage Planner on the Draft Vegetation Removal Offset Policy be received.*
2. *The Draft Vegetation Removal Offset Policy be placed on public exhibition for a period of 28 days.*
3. *Any submissions or recommended amendments as a result of the exhibition process be reported back to Council prior to the adoption of the Vegetation Removal Offset Policy. Should no submissions be received, that the policy be adopted by Council without a further report following the public exhibition.*
4. *A new inspection fee of \$130 per tree (upon application to Council) for the removal of vegetation be payable. Noting that the payment of the fee does not guarantee approval for removal. An inspection fee of \$130 will also generally apply for pruning/lopping but would be applied for any number of trees – not per tree.*
5. *The new fee be publicly exhibited with the Draft Vegetation Removal Offset Policy and be placed on public exhibition for a period of 28 days, and should no submissions be made in relation to the fees, that the new fees be incorporated into Council’s Fees and Charges.*

6. *Unauthorised removal of trees will be pursued by Council with appropriate compliance action and fines as applicable.*
7. *Council investigate the use of Sooley and Pejar Dam catchments and other applicable publicly owned areas or any other area determined by the Sustainability Working Party for native vegetation offset and planting.*

The intent of the policy is to balance the environmental loss of existing vegetation due to development with a program of planting and revegetation on Council land.

PUBLIC EXHIBITION

The Draft Policy and associated fees were placed on public exhibition for a period of twenty eight (28) days with notices placed in the Goulburn Post and on Council's web site.

One submission was received on the draft Vegetation Removal Offset Policy and no submissions were received on the proposed fee structure. The submission received was from the Goulburn Field Naturalists Society Inc. and is in support of the policy and requires no alterations to the policy. The submission is included in full below.

"Submission – Draft Vegetation Removal Offset Policy

Dear Sir/Madam

The Goulburn Field Naturalists Society appreciates the opportunity to comment on this draft policy. We consider this draft to be well written and well thought out. We note that removal of trees (other than 'priority weed' species) is to be the final option when considering vegetation management, and that removal of hollow bearing trees is to be avoided. We are also pleased to note that Council is seeking to link its program of tree and vegetation planting to offset the loss of trees due to development.

We commend Council for the development of this policy, whilst noting that any policy is only as good as its implementation and enforcement.

Yours sincerely

President

Goulburn Field Naturalists Society Inc."

CONCLUSION

As resolved by Council the Vegetation Removal Offset Policy and associated fees were placed on public exhibition. One submission was received in support of the policy. The submission does not require amendment of the policy. It is therefore recommended that the policy and associated fees be adopted by Council and that it be implemented by Council staff.



Vegetation Removal Offset Policy



GOULBURN MULWAREE COUNCIL VEGETATION REMOVAL OFFSET POLICY

POLICY OBJECTIVE

The objective of this policy is to ensure that effects of vegetation removal do not adversely affect the environment of Goulburn Mulwaree.

LEGISLATIVE PROVISIONS

NSW Environmental Planning and Assessment Act, 1979

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017.

NSW Biodiversity Conservation Act 2016

NSW Local Land Services Act 2013

POLICY STATEMENT

Council and the community value the environmental and aesthetic contribution that individual trees, groups of trees and remnant native vegetation make to our natural and built environments. To protect existing vegetation Council restricts the removal of trees to only that which is necessary.

Trees provide a wide range of benefits for local residents and visitors. These benefits include increased comfort through shading and amenity values, habitat for birds and other wildlife, improved health and wellbeing for local residents, and increased property values. Trees achieve these benefits through ameliorating climate and environmental extremes (e.g. heat island effects, noise pollution, wind, airborne pollution); providing environmental benefits (e.g. carbon storage and sequestration, habitat and ecosystem restoration) and being pleasant to live near (providing benefits for mental health and wellbeing). The specific value of trees to urban residents may vary though, on average, the values are substantial.

The values of existing trees

Existing trees provide the following benefits:

- **Environmental** - improved water quality, improved soil health, increased biodiversity including fauna habitat and climate change mitigation.
- **Social** - increased social interaction, mental health and wellbeing through nature connection, amenity and comfort benefits, and physical health
- **Economic** - reduced energy consumption, increased property values, reduced costs from storms and floods, increased life of public infrastructure, and in some cases food or other products.

Retention preferred to removal

Because of the merits of existing trees and other vegetation as described above, retention of vegetation is preferred to removal and replacement. Approval for removal will only be given when retention is not an option due to poor health or structure, negative impacts or inappropriate location make retention not viable.

Apply the avoid, minimise, offset principle

Environmental impacts must first be avoided and minimised before any residual impacts are mitigated. Removal is to be the final option when considering vegetation management. This strategy meets the sustainability principle of "no net loss" of biodiversity by development as defined in the NSW State Government Biodiversity Assessment Method.



GOULBURN MULWAREE COUNCIL VEGETATION REMOVAL OFFSET POLICY

To achieve no net loss, developments/removal applications will avoid and minimise environmental impacts. Actions shall include modifying the proposal to avoid the removal of vegetation. Avoidance and minimisation measures can reduce, and potentially remove the need for removal.

The removal of hollow bearing trees is to be avoided. Hollow bearing trees provide nesting sites for birds and other native fauna. It takes 100 years plus for trees to develop hollows and they are an invaluable environmental resource.

Clearing of vegetation - when removal is unavoidable

Approval for removal of vegetation will only be considered by Council when all other means of avoiding the impacts of a development proposal on a site's environmental values have been exhausted.

An applicant must demonstrate that all alternatives for a development/removal proposal and all measures to mitigate impacts have been considered. If avoid or minimise principles have been demonstrated to not be possible, the need for removal has to be justified by the applicant.

Council approval is required prior to the removal of trees that are greater than 3.0 meters in height or width or with a trunk diameter that is greater than 0.2m when measured 1.2 metres above ground. Priority Weeds as set out in the Biosecurity Act 2015 (formerly known as Noxious Weeds) and weeds identified as Environmental Weeds in *Goulburn Mulwaree Development Control Plan* section 3.9.7 are exempt from the need for approval prior to removal.

The removal of vegetation without consent when consent would otherwise have been required is an offence which can result in Penalty Infringement Notices (\$3000 for an individual or \$6000 for a corporation), or prosecution in the Land and Environment Court with maximum penalties of \$250,000 for an individual or \$1,000,000 for a corporation.

Clearing of vegetation refers to any act that results in the permanent loss of or irreversible damage to vegetation. Specifically it means to remove, cut down, ringbark, push over, poison, or destroy vegetation in any way including burning, flooding, draining or changing the ground level (cutting or filling) at the base of the vegetation.

This policy does not apply to developments that trigger State Government legislation such as the *Biodiversity Conservation Act 2016* or the *Local Land Services Act 2013*.

Development and vegetation replacement/offset

Council is seeking to link its program of tree and vegetation planting and maintenance to offset the loss of trees due to development.

Council will offset tree loss by planting and revegetation of Council owned and managed land. Funding for this program will be supplemented by:

- Tree removal fees that will be set at a scale dependent on the number of trees to be removed (for applications using the DCP pathway – not development applications).
- Planning agreements with developers



GOULBURN MULWAREE COUNCIL VEGETATION REMOVAL OFFSET POLICY

- Local Infrastructure Contributions Plan projects
- The identification of suitable sites for offset under *the Biodiversity Conservation Act 2016* (Biodiversity Conservation Trust: Biodiversity Stewardship Agreements).

Cost of removal applications

Council will apply a fee for vegetation removal applications under *Council's Development Control Plan 2009*. Refer to Council's Fees and Charges (note this policy is in relation to vegetation removal charges for tree/vegetation removals under the *Goulburn Mulwaree Development Control Plan 2009* – and does not apply to fees and charges associated with development applications).

Use of funds from removal applications

Council will plant trees, shrubs and ground covers on Council owned or managed land. Council will prepare the site, source and plant appropriate plant species, maintain the plantings and replace failed specimens.

How does this policy apply to Council projects?

Council undertakes a number of activities that involve the installation, operation and maintenance of public infrastructure such as roads, water/sewer services, recreational facilities such as parks, sports fields etc. Generally most Council activities do not require development consent and are undertaken either as routine exempt activities or are assessed under Part 5 of the Environmental Planning and Assessment Act, 1979 through a "Review of Environmental Factors" (REFs). Accordingly there are no "fees" for Council projects.

Council as a part of its activities will follow avoidance and mitigation principles for tree management where possible. When REFs are undertaken, the management of trees and native vegetation is a major consideration where avoidance and mitigation principles are also applied.

Notwithstanding the above, Council intends to also offset its activities where possible (where avoidance and mitigation cannot be feasibly achieved). Accordingly the following will occur:

- Where trees require removal in an urban setting (e.g. tree removal in parks or road sides), trees will be replaced at a ratio of 1:3. Where possible trees will be replaced on or near the site of the trees removed and will be replaced with native species. It should be noted that some parks and streetscapes (particularly within heritage conservation areas) have established plantings of exotic trees. These established character areas will generally be replanted with trees species consistent with existing plantings.

There may be instances where trees cannot be replaced in the same area, in these instances Council will offset the loss in a suitable alternate location.

- Where trees occur in non-urban/rural areas (primarily along rural roads) re-vegetation plans for disturbed areas of vegetation will be implemented as condition of the REF which may specify locally endemic species. Depending on the locality and the assessment of other factors this could be re-vegetation with a variety of species from native grasses, forbs (herbs) and shrubs through to trees where appropriate.

Other Relevant Information



**GOULBURN MULWAREE COUNCIL
VEGETATION REMOVAL OFFSET POLICY**

- *The NSW Environmental Planning and Assessment Act (EP&A Act), 1979 via State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP).* The Vegetation SEPP sets up a framework for the clearing of vegetation not associated with a development applications in certain areas and is applied through the *Goulburn Mulwaree Development Control Plan 2009 (refer to Council's web site).*

The EP&A Act also has effect in relation to the provision of Part 7 of the *Biodiversity Conservation Act, 2016* which contains additional requirements with respect to assessments, consents and approvals under this Act.

- *The NSW Biodiversity Conservation Act 2016* - requires Development Application proponents to offset vegetation removal where the vegetation is mapped or the area exceeds stated thresholds (and avoidance or mitigation cannot be achieved).
- *The NSW Local Land Services Act 2013* - places requirements on applicants in Rural Zones where vegetation is mapped as regulated land. Tree removal applications in rural zones are managed by Local Land Services.
- The Biodiversity assessment and approvals navigator is a useful tool to help determine the pathway for assessment under the various legislation. The navigator can be found on the Office of Local Government website.
- See also Council's website for information on Vegetation Clearing.

Vegetation Removal Offset Policy

Version	Council Meeting Date	Resolution	Adoption Date	Effective From
1	[Date]	[Number]	[Date]	[Date]
All policies can be reviewed or revoked by resolution of Council at any time.				

DIRECTORATE: Planning and Environment

BUSINESS UNIT: Strategic Planning

15.10 ROAD CLOSURE APPLICATION ADJOINING 667 READERS ROAD, QUALIGO

Author: Business Manager Property & Community Services
 Director Corporate & Community Services

Authoriser: Warwick Bennett, General Manager

- Attachments:**
1. Expression of Interest [↓](#) 
 2. Road Closure Application Flow Chart [↓](#) 
 3. Readers Road Map [↓](#) 
 4. Deposited Plan [↓](#) 

Link to Community Strategic Plan:	IN3.2 – Implement road infrastructure capital works and maintenance programs
Cost to Council:	Nil
Use of Reserve Funds:	Nil

RECOMMENDATION

That

1. The report from the Business Manager Property & Community Services on a proposed road closure parallel to Lot 3 DP 1014745, 667 Readers Road, Qualigo be received.
2. Council prepares a Road Closure Application in accordance with the requirements referred to in this report to close approximately 28,770m² of redundant road reserve parallel to Lot 3 DP 1014745, 667 Readers Road, Qualigo.
3. Subject to there being no objections to this Road Closure Application from adjoining property owners, government agencies and utility providers, the owner of 754 Taralga Road, Tarlo meet all costs associated with;
 - Council’s Road Closure Application fees
 - Surveying including registration of Plan of Subdivision consistent with point 2 above.
 - Consultant valuation fees to determine market value of compensation payable and;
 - Re-establishing any boundary fencing affected by this road closure application.
4. The General Manager be delegated to sign all documentation necessary to complete the sale of this unused road reserve when a new title is created, ensuring that the market value determined by the valuation is non-negotiable.
5. The proceeds of sale be transferred to a Rural Roads Maintenance budget for any future road works in the Readers Road locality.

BACKGROUND

Council has received a request to purchase unused road reserve by the adjoining land owner at 667 Readers Road, Qualigo. Council must close a road vested with Council before it can be sold.

The adjoining property owner has leased this unused road reserve for the past 5 years and the current agreement is due for renewal on 1 December 2021.

REPORT

In accordance with Section 38b *Roads Act 1993*, Council is required to notify all relevant adjoining land owners, government agencies and utility providers of any proposed road closure applications. Attached is a flow chart of the processes that must be followed for all Road Closure Applications.

An expression of interest from the adjoining landowner at 667 Readers Road, Quialigo is attached. Subject to there being no objections to this proposal, Property Services staff will prepare a Road Closure Application in accordance with Council's standard Fees & Charges, the current fee being \$1,689.00 (inclusive if GST). The owner of 667 Readers Road, Quialigo has agreed to pay these fees as part of the Road Closure Application process.

As part of any Road Closure Application proposal, notification letters are sent to adjoining property owners giving 28 days from the date of the letter to provide comments, object to the proposal or even express interest in also acquiring all or part of an unused road reserve. Correspondence on the proposal is also sent to a long list of government agencies, including DPIE – Crown Lands, and utility providers regardless of whether or not they are represented in the Goulburn Mulwaree Local Government Area.

Any objections to this proposal are reported back to Council for further consideration of the Road Closure Application.

A map showing the location of this unused road reserve and the Deposited Plan are attached for information. Once a survey plan is registered with the NSW Land Registry Services the unused road reserve is formally closed and a new title is created. Council then prepares a Transfer for the sale of this title based on a value determined by a registered valuation consultant (in accordance with the Land Acquisition (Just-Terms Compensation) Act 1991).

As part of the Road Closure Application process, Council will seek to retain the proceeds from the sale of this former unused Council road reserve. Section 43 of the *Roads Act 1993* outlines how the proceeds are to be spent. In this case it is proposed that the proceeds of sale be transferred to a Rural Roads Maintenance budget for any future road works in the Readers Road locality.

t: Monday, 5 July 2021 4:53 PM
Council <Council@goulburn.nsw.gov.au>
ject: Readers Rd Easment

d Afternoon,

rently lease a dead end lane from Goulburn Council and have done for 5 years, and would like to enquire about purchasing it.

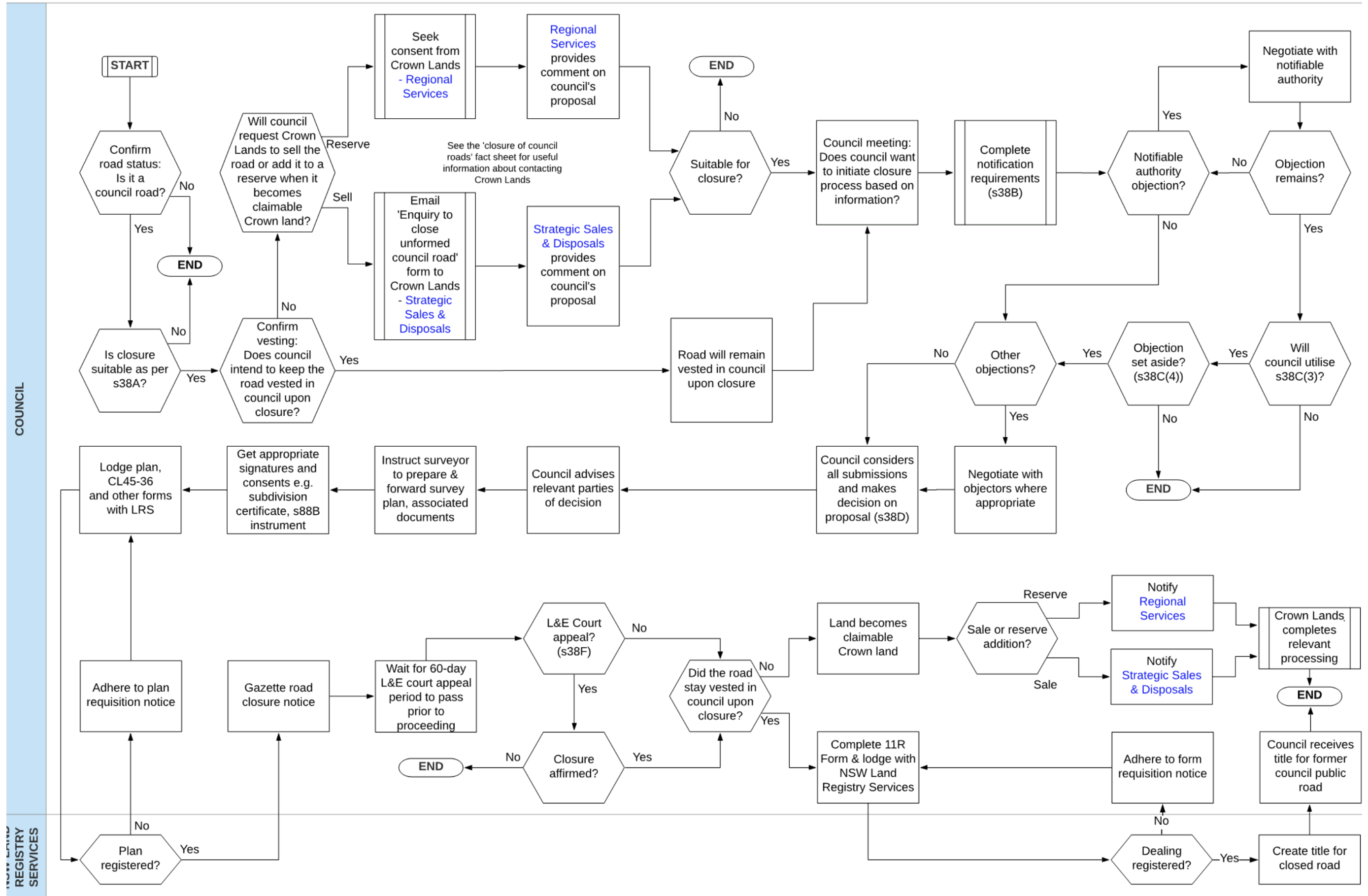
lane runs along the boundary of my property and leads to no-where other than the end of my block, would something like this be possible instead of leasi

se feel free to call should you like to discuss or email me.

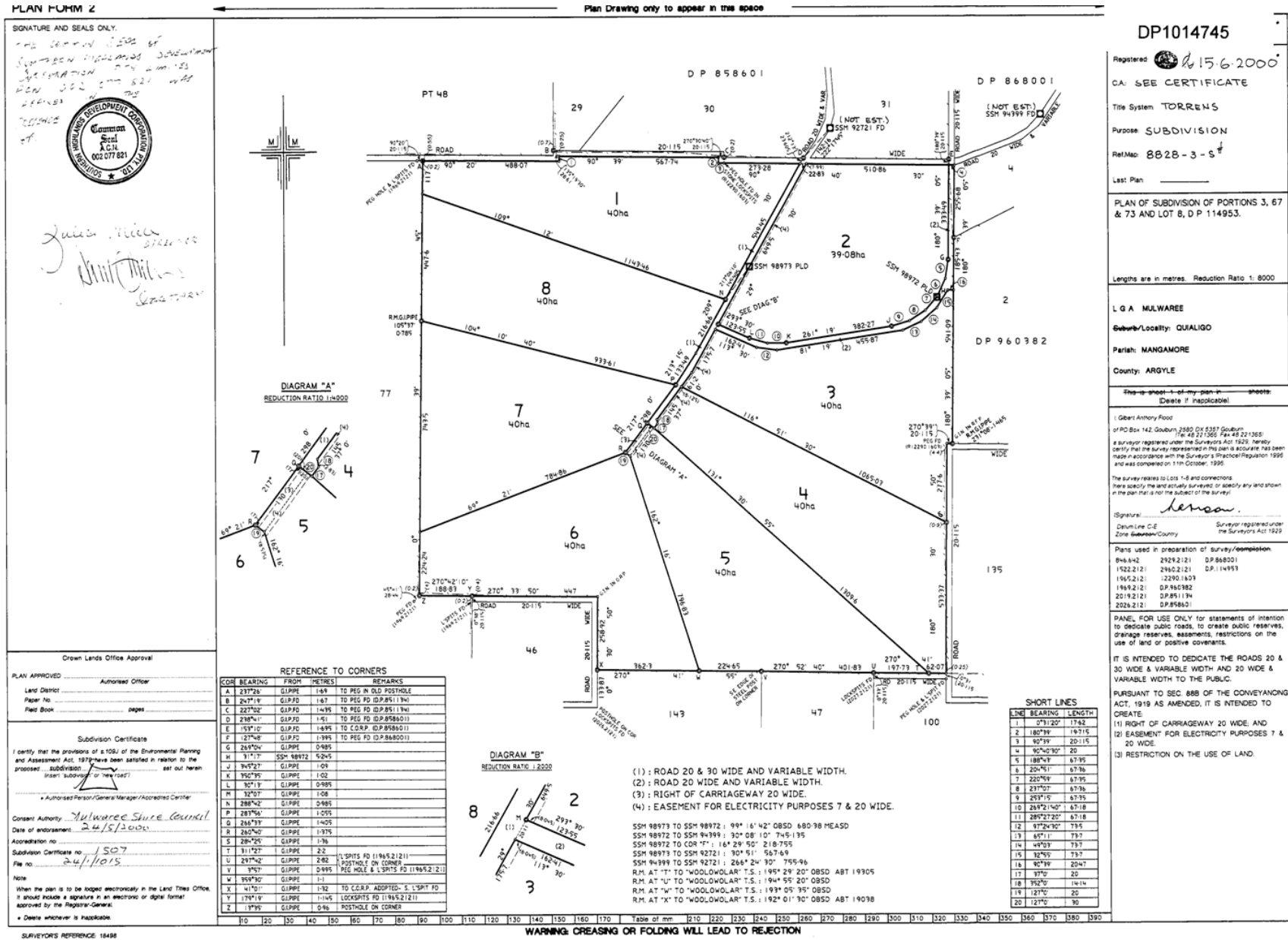
ards,

CLOSING COUNCIL ROADS UNDER PART 4 DIVISION 3 OF THE ROADS ACT 1993

This is a possible method for closing council public roads under Part 4 Division 3 of the Roads Act 1993. Section references refer to sections in the Roads Act 1993 (e.g. s38A).







15.11 TENDER NO 2021T0021 – TRAINEE AND APPRENTICE EMPLOYMENT SERVICES

Author: Learning & Development Coordinator

Authoriser: Warwick Bennett, General Manager

- Attachments:**
1. 2021T0021 Trainee and Apprentice Employment Services Tender Evaluation Report-Signed.pdf - Confidential
 2. 2021T0021 Submission Evaluation Scenario-Based Price Comparisons.pdf - Confidential
 3. 2021T0021 Trainee and Apprentice Services Evaluation Worksheet-Signed.pdf - Confidential

Link to Community Strategic Plan:	EC5 Our Economy – Encourage collaboration between businesses, Government, and training providers to develop employment and training opportunities for young people in the region.
Cost to Council:	Council's draft four year Delivery Plan contains a budget amount for the provision of trainee and apprentice employee services.
Use of Reserve Funds:	N/A

RECOMMENDATION

That:

1. The report regarding Tender No 2021T0021 – Trainee and Apprentice Employment Services from the Business Manager Human Resources be received.
2. The Tender from Recruitment Solutions Group Pty Ltd is accepted for the provision of Trainee and Employment Services in accordance with the specification and documents for Tender 2021T0021. The successful tenderer will be entered into a three-year contract, with the option of two one-year extensions.

BACKGROUND

Council currently hosts approximately 8 trainees/apprentices each year depending upon budget and operational requirements. These trainees and apprentices are employed by a third party Group Training Organisation (GTO), with Council acting as a host employer.

REPORT

Tenders were called for experienced and professional organisations to provide Council with a range of Trainee and Apprentice employment services for a period of three years with the option of two one-year extensions, on 22 June 2021.

The tender process was conducted consistent with the requirements of the *Local Government Act 1993*, *Local Government (General) Regulation 2005* and the *Tendering Guidelines of NSW Local Government (General) Regulation 2009*.

Tenders closed on 20 July and submissions were received from the following GTOs:

Company	Address
HVTC Pty Ltd	PO Box 559, Maitland NSW 2320
Recruitment Solutions Group Australia Pty Ltd	Level 15, 140 Arthur Street, North Sydney NSW 2060
Sydney Training and Employment Pty Ltd	PO Box 2006, Burwood Sydney NSW 2134

Tender Evaluation Panel was established and included;

- Sharon Fitzgerald (Chair) Learning & Development Coordinator
- Elise Jackson Business Manager Human Resources
- Trevor Sultana Business Manager Water Operations

The evaluation process was carried out by The Panel following the process outlined in the Tender Plan, which was completed and signed before the tender was advertised. The final Evaluation Report is attached to this Council report.

The evaluation process was undertaken in four (4) distinct phases (Refer to the evaluation report for further details).

Phase 1: Preliminary Evaluation (excluding Price)

The panel met to determine whether the tenders were conforming to the mandatory submission requirements. For this evaluation, two tenders were assessed as conforming tenders. One tender did not address two of the mandatory criteria, however the panel elected to still assess the submission. See the Evaluation Report for more details

Phase 2: Detailed Evaluation of Non-price Evaluation Criteria

The panel completed the detailed evaluation of Non-price criteria in accordance with the following weightings:

- Organisation Experience/Reference 10 %
- Key Personnel Experience 15 %
- Capability and Capacity 45 %
- Price – Lump sum based on scenario 30 %

Phase 3: Detailed Evaluation of Price Criteria

Price schedules were reviewed, with scenarios created to assess and compare the costs submitted by each Respondent. The scenarios and costs are attached to this report.

Phase 4: Final Evaluation

The Price and Non-Price scores were reviewed and combined. The weightings for this were:

- Non-price criteria 70 %
- Price criteria 30 %

The final ranking was determined to be:

Ranking	Tenderer
1	Recruitment Solutions Group Australia Pty Ltd
2	HVTC Pty Ltd
3	Sydney Training and Employment Pty Ltd

Following the completion of the tender evaluation process, The Panel recommends Recruitment Solutions Group Australia Pty Ltd be nominated as the preferred tenderer in accordance with the documentation for 2021T0021. This recommendation is based on Recruitment Solutions Group Australia Pty Ltd being the highest ranking proponent at the completion of the evaluation process combining both non-price and price criteria.



The Evaluation Report is included with the Closed Session reports in accordance with s10A(2)(d) *Local Government Act 1993* as it contains commercial information that would, if disclosed,

prejudice the commercial position of the person who supplied it. It is not appropriate for this to be provided in an Open Session as it relates to tender information.

15.12 REQUEST FOR FINANCIAL ASSISTANCE - GOULBURN CAR & MOTORCYCLE SHOW

Author: Director Corporate & Community Services

Authoriser: Warwick Bennett, General Manager

- Attachments:**
1. **Application for Financial Assistance - Goulburn Car & Motorcycle Show** [↓](#) 
 2. **Booking Enquiry & Quote** [↓](#) 

Link to Community Strategic Plan:	CSP Strategy C02 – Encourage and facilitate active and creative participation in community life.
Cost to Council:	Funds are available in the budget for donations made under the Financial Assistance Policy. There is a budget of \$80,000 for grants issued under this policy in the 2021/22 financial year. Approval of the recommendations contained within this business paper would leave a remaining amount of \$44,852 for future contributions.
Use of Reserve Funds:	Not Applicable. Budgeted amount funded from revenue.

RECOMMENDATION

That

1. The report of the Director of Corporate & Community Services on Requests for Financial Assistance be received.
2. Council provide the following in-kind support to the Goulburn Car & Motorcycle Show to the up to value of \$2,976.68 to be funded from the Financial Assistance budget:

(a) 50% Hire Fees for Recreation Area	\$292.18
(b) Amenity Cleaning, bin hire, waste removal	\$184.50
(c) Road Closure	\$2,500.00
3. The applicants to be responsible for any Road Closure/Traffic Control expenses incurred by Council in excess of the \$2,500.

BACKGROUND

At its meeting on 19 September 2017, Council adopted the new Financial Assistance Policy. Under this Policy, applications seeking funding for amounts greater than \$1,000 are reported to Council for approval.

REPORT

An application for financial assistance has been received from the Goulburn Car & Motorcycle Show (auspiced by Goulburn Rotary Club) seeking financial assistance in the form of in-kind support to the value of \$5,927.54 (including GST). The in-kind support is sought to hold a car and motorcycle show that will take place at the Goulburn Recreation Area on Saturday 27 November 2021.

The Goulburn Car & Motorcycle Show will give the Goulburn community and surrounds the opportunity to view a range of vehicles which have been meticulously restored by their enthusiastic owners. It is also proposed to hold a street parade at the conclusion of the event. All funds raised will go to the Goulburn PCYC Rise-up Program for Youth.

An application has also been submitted under the Community Recovery Contributions Program – Round 2 to assist with promotional costs for the event. This application has been successful and the Club have been awarded \$2,500.

The in-kind support for 2021 is made up of the following:

- Recreation Area Hire Fees.....\$ 584.36
- Amenity Cleaning, Bin Hire, Waste Removal.....\$ 184.50
- Road Closure (Auburn Street).....\$5,158.68

Council’s Financial Assistance Policy allows for in-kind support and also up to 50% fee waiver for venue hire, this should be taken into consideration when determining this application. The Policy also requires Financial Statements for amounts over \$5,000, however these have not been submitted.

The Traffic Control Plan for the street parade was presented to the Traffic Committee for consideration at their meeting held on 5th August 2021. Due to the complexity of the event the quote provided to the applicant to undertake road closures and all related traffic control for the event was \$5,158.68. The applicant has advised that they are trying to make arrangements to undertake some of the traffic control for the event themselves but this is reliant upon enough volunteers having the appropriate “tickets”. The recommendation is that Council provide in kind support in the form of traffic control up to the value of \$2,500 with the applicant responsible for any costs Council incurs above that amount. It is hoped that this would be minimal should the applicant be able to provide some of their own traffic control.

While there is a provision in the operations budget for traffic control for events, this amount covers most of the major annual events ranging from the Lilac City Festival through to ANZAC day. There is no provision for a large additional event such as this. If Council were of the mind to provide support in excess of the recommendation it would all have to be sourced from the Financial Assistance budget.

In accordance with Council’s Financial Assistance Policy it is also recommended Council provide further in-kind support to Goulburn Car & Motorcycle Show (auspiced by Goulburn Rotary Club) to the value of \$476.68 in the form of hire fees and amenity cleaning, bin hire and waste removal. This amount takes into consideration that the policy allows for a 50% waiver of hire venue hire fees.

A copy of the application is attached for your consideration.



Application for Financial Assistance

Applicant / Organisation Details	
Name:	Goulburn Council Motor Cycle Show (Auspiced by Goulburn Rotary Club.)
Address:	PO Box 140
Contact Person:	DICK KEARNS
Telephone:	[REDACTED]
Email Address:	[REDACTED]

Amount Applied for (Including GST if Applicable)
\$ 5,927.54

Which Funding Stream are you applying under? (Please tick one):

Financial Assistance for Community Events and/or projects
(See below)

Mayor's Discretionary Fund
(See below)

Funding Principles:

Funding is available under the following funding streams:

- Financial Assistance for Community Events, Projects and Representation**
Financial contribution to assist with the cost of a community event and/or project or to assist individuals/groups representing their community.

This stream is made available for:

- Funding requested by community and/or charitable organisations for events that do not satisfy the criteria under the *Event Development Funding Policy*.
- Funding requested by community and/or charitable organisations for projects that add value to the community.
- Financial support requested by members of the community to represent or participate in events (both sporting and cultural) at a national or international level.

Funding under this stream will be capped at \$10,000 and may be in the form of financial contribution, in-kind support or up to 50% fee waiver for Council venue hire.

Application for Financial Assistance
Effective from 1 July 2018 to 30 June 2020

Civic Centre 184-194 Bourke Street Goulburn NSW Telephone 4823 4444 www.goulburn.nsw.gov.au
Correspondence to: Goulburn Mulwaree Council Locked Bag 22 Goulburn NSW 2580

▪ **Mayor's Discretionary Fund**

Financial assistance available at the discretion of the Mayor and Deputy Mayor to assist with small projects and community initiatives.

This stream will be reserved for donations to charitable and "not for profit" organisations.

(Refer to the Policy Document for information on funding criteria)

Priority will be given to –

- Projects/events which support welfare activities
- Projects/events which support the priorities of the various plans adopted by Council
- Projects/events which have not previously received funding
- Areas where there is an obvious and documented community/local need
- Areas where the need is considered greatest

Other Grant Funding
Please provide details of funding received from other sources either approved or pending
<p><i>No funding has been sought ^{directly} from government sources</i></p> <p><i>Auto motive industry businesses in Goulburn have contributed towards trophies!</i></p> <p><i>An application has been submitted to the Community Recovery Contribution Program - round 2 for assistance with promotional costs.</i></p>

Description of the Project, Service or Event (attach additional pages if space is insufficient)

When completing this section please provide as much information as possible including details on the following where applicable:

- What identified community need does this project seek to fulfil?
- If an event, what are the benefits to the Goulburn Mulwaree area e.g. number of visitors
- Who will benefit from the project/event (include target groups and/or users & attach letters of support if applicable)

The Goulburn and Motor Cycle Show gives motor enthusiasts to display their vehicles to each other and the general public. Funding raised at this event is given to a nominated charity or activity to support disadvantaged groups in the community. In 2021 the benefiting group is The Goulburn PCYC Rise Up Programs for Youth.

The 2019 event raised \$8000 dollars which went to support activities at The Crescent School.

The event is growing in support from motor enthusiasts from Sydney, the Murrumbidgee and Canberra. It is anticipated up to 400 vehicles will be on display. With the introduction of a street parade community members will have an additional opportunity to view the spectacle.

In 2019 anecdotal evidence suggests models on roadshows and coffee shops benefitted from the increase of visitors to the Goulburn community. We expect an increase in visitors this year.

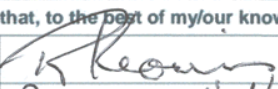
Application for Financial Assistance
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Civic Centre 184-194 Bourke Street Goulburn NSW Telephone 4823 4444 www.goulburn.nsw.gov.au
Correspondence to: Goulburn Mulwaree Council Locked Bag 22 Goulburn NSW 2580

Application for Financial Assistance

Financial Information
For applications seeking funding of \$5,000 and above, the application must be accompanied by financial statements.

<input checked="" type="checkbox"/>	Application checklists – Please complete before signing the Declaration
<input checked="" type="checkbox"/>	Have you read and understood the guidelines?
<input checked="" type="checkbox"/>	Have you completed all sections of the application form?
<input checked="" type="checkbox"/>	Have you attached all relevant support materials and letters of support?
<input type="checkbox"/>	Have you included all necessary documentation (e.g. Financial Information if applicable)
<input checked="" type="checkbox"/>	Has the application been signed?
<input checked="" type="checkbox"/>	Have you kept a copy of your application for your own records?

Declaration			
I/We certify that, to the best of my/our knowledge, the information of this application is true and correct			
Signature		Signature	
Name	Richard (Dick) REARINS	Name	
Position	Pres. Rotary Club of Goulburn	Position	

NOTES
<ul style="list-style-type: none"> ▪ All applications are to be returned to Goulburn Mulwaree Council, Locked Bag 22 Goulburn NSW 2580 ▪ Incomplete applications or applications with insufficient information will not be accepted.

Council collects personal information only for a lawful purpose that is directly related to Council's functions and activities. Council is required under the Privacy and Personal Information Protection Act 1998 (PPIA) to collect, maintain and use your personal information in accordance with the Privacy Principles and other relevant requirements of the PPIPA. For further information or clarification please contact Council's Governance Office or refer to Council's Privacy Management Policy at www.goulburn.nsw.gov.au

Application for Financial Assistance
Effective from 1 July 2018 to 30 June 2020

Civic Centre 184-194 Bourke Street Goulburn NSW Telephone 4823 4444 www.goulburn.nsw.gov.au
Correspondence to: Goulburn Mulwaree Council Locked Bag 22 Goulburn NSW 2580

Booking Quote 2852



Locked Bag No. 22
GOULBURN NSW 2580

24 Jun 2021

ROTARY CLUB OF GOULBURN
RICHARD KEARINS
PO BOX 140
GOULBURN NSW 2580

Dear Richard,

Subject: Booking Enquiry & Quote

Please find below the details and quote for your booking enquiry.

Booking particulars

Booking Reference Number	36652 to 55297 inclusive
Event Description	Goulburn Car and Motorcycle Show
Booking Status	Confirmed
Phone number on file	

Booking Details

Facility Booked	Date	From	To	Charges (inc GST)
Area E Showmans Guild Parking	27 Nov 2021	08:00 AM	03:00 PM	\$128.52
Area H and J	27 Nov 2021	08:00 AM	03:00 PM	\$455.84
Auburn Street	27 Nov 2021	05:00 PM	06:00 PM	\$0.00

Total Bookings \$: \$584.36

Other Booking Charges

Additional Charges	Qty	Hours	\$ per hour	Charges (inc GST)
Recreation Area Amenity Cleaning	2		\$165.00	\$165.00
Recreation Area 240L Bin Empty	10		\$19.50	\$19.50
Road Closure	1		\$5 158.68	\$5 158.68

Total Additional Charges: \$5 343.18

GRAND TOTAL GST \$538.86
GRAND TOTAL (inc GST) \$5 927.54

If you have any questions about this booking enquiry or any of Council's facilities, please call me on 02 4823 4901








Yours faithfully

ANNE RUDELL
Goulburn Mulwaree Council

15.13 EXTERNAL MEETING MINUTES

Author: General Manager

Authoriser: Warwick Bennett, General Manager

- Attachments:**
1. **Veolia Community Consultative Committee Minutes 17 June 2021** 
 2. **Goulburn Liquor Accord Minutes 21 July 2021**  
 3. **Heron Woodlawn Community Consultative Committee 28 July 2021**
 
 4. **Ardmore Park Quarry Community Consultative Committee 11 August 2021**  

Link to Community Strategic Plan:	CL3 – our Civic Leadership
Cost to Council:	There are no financial implications for this report
Use of Reserve Funds:	Nil

RECOMMENDATION

That the report from the General Manager on the following external Committee meeting minutes be received:

1. Veolia Community Consultative Committee 17 June 2021
2. Goulburn Liquor Accord 21 July 2021
3. Heron Woodlawn Community Consultative Committee 28 July 2021
4. Ardmore Park Quarry Community Consultative Committee 11 August 2021

REPORT

Please find attached the minutes from the:

1. Veolia Community Consultative Committee 17 June 2021
2. Goulburn Liquor Accord Meeting 21 July 2021
3. Heron Woodlawn Community Consultative Committee 28 July 2021
4. Ardmore Park Quarry Community Consultative Committee 11 August 2021

These minutes are attached for your information and no Council decision is required other than noting the minutes.



Woodlawn Eco-Precinct

Community Liaison Committee Meeting Minutes

Date	Thursday 17th June 2021	Time	5:00 pm
Coordinator	Henry Gundry	Location	Woodlawn Conference Room

Committee List ✓

Name	Present	Name	Present
Henry Gundry (HG) (Veolia)	✓	Sandra Ellson (SE) (Community)	X
Cr Denzil Sturgiss (DS) (GMC Councillor)	✓	Scott Martin (SM) (GMC Designated Off)	X
Simon Reynolds (SR) (Community)	X	Cid Riley (CR) (Community)	X
Adrian Ellson (AE) (Community)	✓	Owen Manley (OM) (Tarago Men's Shed)	✓
Cr Mark Schweikert (MS) (QPRC Councillor)	✓	Richard Kirkwood (RK) (Community)	X
Kym Wake (KW) (TADPAI)	✓		

Guests/Observers ✓

Name	Present	Name	Present
Marea Rakete (MR) (Veolia) (minutes)	✓	Tobias Stanley (Veolia)	✓
Lee Smith (LS) (Veolia)	✓		

Minutes

1	Welcome
	Meeting declared open by the Chair at 5:05pm. Attendees were invited to participate in round the table introductions due to new faces at the meeting.
1	Present / Apologies
	Simon Reynolds, Scott Martin, Sandra Ellson & Cid Riley
2	Approval of Previous Minutes
	Approval of Previous Meeting Minutes. Motion moved MS and seconded AE.
3	Matters Arising from Minutes
	HG tabled document from CR/AE. KW mentioned appreciation for timely minutes after the last meeting.
4	Woodlawn Eco-Precinct Operational Update (Slide)
	<p>Bioreactor and Leachate Treatment Plant (TS)</p> <p>Emphasis made on odour management improvements including Clarke Energy works at the Power Station. HG explained EPA inspection, and EPL variation following shortly thereafter. KW suggested adding scope for IOA to include situating monitoring instrumentation in the village for assessment as part of the annual IOA. LS explained monitoring of odour can only be done by nose, such instruments can only measure gas. MS queried odour mapping, and comparison to the same time last year.</p>

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Veolia Community Liaison Committee Meeting Minutes

	<p>AD explained the “odour management update” slide. AE queried if rain impacts gas extraction or over compaction of waste surface. HG pointed out the rain event resulting in 1200mm in one year (more than twice the average rainfall). AE mentioned that landfill surface cracks will be difficult to manage due to size of the waste face and queried if temperature of waste is known or monitored.</p> <p>Bioenergy (TS) LS requested the provision of a graph in minutes. OM queried what happened to new engine plans. HG plans are on hold for now. AE emphasized the stress that the odour has put on the community.</p> <p>Mechanical Biological Treatment (HG) HG explained the Tailings Dam rehab project and overall objective of the trial and process involved in transitioning the AWT to a FOGO processing plant.</p> <p>EPA site Visits - See comments above</p>
<p>5</p>	<p>General Business</p>
	<p>Tarago Lead Contamination HG explained that Transport for NSW (TRfNSW) have discussed excavation options and use Woodlawn as a process and disposal facility for the material in the Siding. The project is the sole responsibility for TRfNSW to resolve. TRfNSW are working through what sort of approvals would be required to carry out such excavation and processing activity.</p> <p>Bungendore/Tarago Road Maintenance MS advised works have started and there is more to come. Rain has hindered works and more prioritized works due to poor road conditions. There is still no time frame for completion of this work. KW advised that it’s not just waste trucks damaging roads but also vacationers going to the coast. MS advised that due to land acquisitions, it is very difficult to say what works will be undertaken with funding provided by Veolia. DS pointed out that open trenches in the middle of the road by QPRC crews at night without warning is dangerous.</p> <p>Regional Waste - Planning Modification Update AE queried the planned waste sources for an extra 70,000t (130,000 to 200,000). HG indicated demand was from the existing customer base.</p> <p>FOGO Processing at Woodlawn MBT HG explained the process involved in transitioning the AWT to a FOGO processing plant including the planning modification requirements and process design (mentioned above).</p>
<p>6</p>	<p>Other Business</p>
	<p>Future Waste to Woodlawn Briefing Response - HG Discussion re: Truck Movements - Compare ARRB report to Veolia’s truck movements to ascertain % of road usage etc - HG to present data on % usage at the next meeting AE queried what trucks traveling between Mugga Lane (ACT Recycling) and Woodlawn were carrying. HG confirmed as commercial waste only - residual waste from recycling facilities, Veolia doesn’t receive municipal waste from the ACT. MS explained the new QPRC waste strategy which closed in June, with no input from Veolia. The future vision/focus is on harmonising the waste rating system (collection of costs). MS suggested that Woodlawn is a cheaper and more environmentally friendly option from QPRC waste rather than Mugga Lane. No changes to disposal methods or options appeared to have been considered in the strategy. Discussion held around road traffic incidents and reporting methods for Veolia and QPRC. HG explained Veolia’s 35-40 years for landfill and lifespan of other facilities within the precinct and plans for the future. The MBT transition project is key at present. Veolia’s Response - Future Waste to Woodlawn Briefing Response will be attached to the meeting minutes. AE advised that the growth and future vision for Veolia is important to the community. KW</p>

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Veolia Community Liaison Committee Meeting Minutes

	queried if Veolia would be attending the GMC strategic planning at Tarago Hall on July 10th 2021 which Veolia was unaware of.
7	Woodlawn Advanced Recovery Centre
	LS advised that the 2nd Open day will be held this Sunday 20 June 2021 to talk about the ERF proposal for preparation of the EIS and spoke about plans/milestones moving forward. OM suggested Veolia re-consider community engagement strategy and perhaps take Open days or meetings outside of the Bioreactor eg. Tarago to entice more community interaction. TADPAIs have submitted a statement to the GMC in relation to Veolia’s request for SEARS. AE will send this letter to HG and will be available on the TADPAI website.
7	Meeting Closed by Chairperson
	Meeting Closed by Chairperson at 7:13pm.

Attachments:

- 1/ Veolia CLC Meeting #6 Operational Presentation
- 2/ Future Waste to Woodlawn Briefing Response
- 3/ Veolia Road Design Review Draft (AARB)

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Woodlawn Eco-Precinct Community Liaison Committee Meeting

Thursday 17th June 2021

NSW Woodlawn Eco-Precinct
619 Collector Road / Tarago / NSW 2580 Australia
off.: +61 2 8588 1360
www.veolia.com/anz





Welcome

Veolia acknowledges the Traditional Owners of country throughout Australia and recognises their continuing connection to land, waters and community. We pay our respects to them and their cultures; and to elders both past and present

Welcome and thank you! Effective community consultation is a participatory process that underpins genuine community development. The purpose of the Veolia Environmental Services Community Liaison Committee is to help us better understand what the community values and inform us of issues that the community finds important.

**MEETING
AGENDA**

Item	Topic
1	<i>Present/Apologies</i>
2	<i>Approval of Minutes of Previous Meeting</i>
3	<i>Matters Arising from Minutes</i>
4	<i>Woodlawn Eco-Precinct Operational Update</i>
5	<i>General Business</i> <ol style="list-style-type: none"> 1. <i>Tarago Lead Contamination</i> 2. <i>Bungendore/Tarago Road Maintenance</i> 3. <i>Regional Waste - Planning Modification Update</i> 4. <i>FOGO Processing at Woodlawn MBT</i>
6	<i>Other Business</i> <ol style="list-style-type: none"> 1. <i>Future Waste to Woodlawn - Response to paper tabled by Adrian Ellson and Cid Riley</i>
7	<i>Meeting Closed by Chairperson</i>



Present / Apologies



Approval of Previous Minutes



Matters Arising from Minutes

ECO-PRECINCT OPERATIONAL UPDATE

BIOREACTOR

YTD Waste Received (15th June 2021)

- Regional Waste 59,324t
 - Bushfire Impacted Waste 1240t
- Sydney Waste 264,593t
- MBT Residual 34,821t

External Environmental Audits

- 3-Yearly Independent Environmental Audit (Ramboll) - Final Report Issued
- Annual Independent Odour Audit (The Odour Unit) - Fieldwork Completed
- Annual Independent Leachate & Water Management System Audit (SLR) - Final Report Issued

YTD Complaints Register (15th June 2021)

- Odour Complaints (203)
- Road Traffic (0)



EPA LICENCE VARIATION

During a recent EPA site visit, Veolia explained many of the current practices put in place to understand and reduce potential odour sources at site. The EPA recognised the work being done by Veolia and sought to include these in our EPL.

- Pollution Study and Reduction Program "Investigation and Impact Assessment of Hydrogen Sulfide Gas Emissions"
- Pollution Study and Reduction Program "Longterm Leachate Management Solution"
- Addition of biofiltration material to fissures
- Addition of two groundwater new monitoring wells in the vicinity of the void
- Increased sampling frequency for surface gas emissions (including H₂S)
- Increased reporting frequency for gas flow and composition at the Powerstation
- Mixed waste organic outputs as an alternative daily cover material with 3 day limit
- Development Odour Management Plan

Veolia is currently engaging with suitably qualified experts for the undertaking of the external Pollution studies.

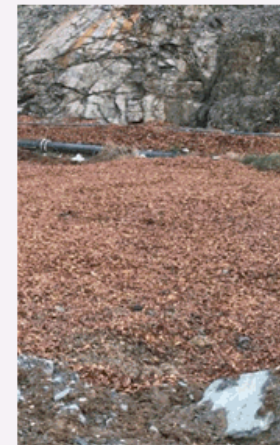
ODOUR MANAGEMENT UPDATE

The odour is most likely caused by fugitive gas emissions due to:

- Uneven settlement of the waste creates cracks on cover
- Waste/Rock interface gap due to settlement
- Water in the void (stormwater and leachate)
- Increasing H₂S concentration in LFG

Veolia's management strategy consists of:

- Regular surface gas monitoring (monthly)
- Act on identified fugitive emission hot spots
 - Apply more cover material
 - Install more LFG extraction wells
 - Apply more biofilter to the rock-waste interface
 - Apply biofilter material to the identified cracks
- Investigate the current odour problems by third party
- Investigate the odour emission from the batter of the waste tip
- Assessment of the performance of the biofilter and expansion of the gas extraction system (TOU)



ECO-PRECINCT OPERATIONAL UPDATE

BIOENERGY

YTD Biogas Capture

- Energy Generation 25,007 MWh
- 128,878 tCO₂-e CH₄ captured till end of May 2021
- In 2021, averaging 25,776 tCO₂-e monthly to removing 67,000 cars off the road

LEACHATE TREATMENT PLANT

Discharge to Evaporation Dam

- LTP treated an average of 3.88L/s for the month of May.
- Accumulatively discharged, 188,671 m³ (by 4th June) of permeate
- Process audit by Veolia Global Technical & Performance Department (TPD) is ongoing and a final report is under review - temperature and foam management is currently the key operational challenge



ECO-PRECINCT OPERATIONAL UPDATE

MBT



Output from MBT

- Transferred 4,653t to Tailings
- Heron Resources - Care and Maintenance timings and rehab progression is the key constraint at present.

YTD Waste Processed (15th June 2021)

- Sydney Waste 133,367t
- MWOO to Landfill 27,111t
- WOO to Heron 4,653t
- Ferrous Recovery 308t

Next project development

- FOGO Transition - Planned Planning modification
- Two Stage Process



General Business

- *Tarago Lead Contamination*
- *Bungendore/Tarago Road Maintenance*
- *Regional Waste - Planning Modification Update*
- *FOGO Processing at Woodlawn MBT*



Other Business

- *Future Waste to Woodlawn - Response to paper tabled by Adrian Ellson and Cid Riley*



Advanced Energy Recovery Facility - Update



Next Meeting

The next Community Liaison Meeting will be held at the Woodlawn Eco-Precinct on Thursday 2nd September 2021 at 5.00pm, or otherwise agreed.





Woodlawn Eco-Precinct

Future Waste to Woodlawn Briefing Response

Date	Thursday 17th June 2021	Time	5:00 pm
Coordinator	Henry Gundry	Location	Veolia Community Liaison Committee

Agenda

1	<p>Regional Waste</p> <p>1. Veolia to confirms that all waste coming from Sydney is municipal waste. All waste that comes to Woodlawn is as per our operating licence/s. The Bioreactor accepts Putrescible, non putrescible, asbestos and tyres. The source of the waste comes from both commercial and municipal sources. The MBT accepts Putrescible waste which includes food waste and Garden waste. The facility was primarily set up to service municipal waste, although it can accept mixed waste with high organic waste from commercial customers.</p> <p>2. Veolia provides tabulated data listing the contracted client and number of vehicle movements per week each way, and general route being used. 13 x Southbound customers via Tarago/Bungendore Road - 164 truck movements (loads) per week 6 x Northbound customers via Tarago (Goulburn) - 30 truck movements (loads) per week. This excludes waste received as part of the bushfire/flood clean up program.</p>
2	<p>ACT Waste</p> <p>1. Veolia provides an update of its purchase of Suez. <u>Veolia's global acquisition of Suez</u> The two parties have signed a combination agreement which "enables Veolia to acquire the strategic asset to pursue its goal of building a global champion in ecological transformation.." Locally - what it means for Australia and the two parties, this is in the hands of the Australian Competition and Consumer Commission ACCC at this present time. Specifics of the arrangements are still being worked through with the final outcome still unknown.</p> <p>2. Veolia / ACT Government advises of the remaining contract life for household waste in the ACT post Veolia's purchase of Suez. Veolia cannot speak on behalf of the ACT government, nor does it know the details of the</p>

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	<p>collection arrangement between SUEZ and the ACT Government.</p> <p>3. Veolia / ACT Government advises of its intended vision for the processing and landfilling of ACT household post Mugga Lane closure.</p> <p>There have been no discussions with the ACT government relating to the processing and landfilling of ACT household waste. Veolia is not aware of the closure period of the facilities located in Canberra.</p> <p>The only conversation relates to the ACT EPA seeking access to Woodlawn in the event there is an emergency situation at their Govt owned facilities which would require alternative emergency management/disposal.</p>
3	Queanbeyan Palerang Regional Council
	<p>1. QPRC provides a status update on the development of its new waste management strategy.</p> <p>QPRC in May 2021 uploaded the Council's Draft Waste Strategy on its website for public review. Veolia understands the review period closed earlier in June.</p> <p>2. QPRC provides an overview of its vision re the way forward.</p> <p>This is a matter for QPRC - refer to commentary by Cr Mark Schweikert.</p> <p>3. QPRC explains how the VCLC and Tarago and District communities will be consulted in the new strategy's development, and concerns included.</p> <p>This is a matter for QPRC. Refer to commentary by Cr Mark Schweikert. Reference the QPRC Draft Waste Strategy on Council's website</p>
4	Near Misses on Roads
	<p>1. Veolia or QPRC advise how these near misses can be reported and how this information can be made public on demand.</p> <p>Veolia will be able to provide any documented/reported near misses relating to its waste trucks and or customers via the CLC meetings. There were 3 registered complaints received in 2020.</p> <p>Suggest contacting GMC and QPRC on whether there are other known events on the road that Veolia is not aware of.</p>
5	Odours
	<p>1. Veolia provides a better explanation for the cause of the emissions and work</p>

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	<p>undertaken or to be undertaken to prevent reoccurrence.</p> <p>Veolia has provided a comprehensive assessment of the biogas extraction system as part of the CLC meeting agenda item - includes the waste surface emission assessment, which has outlined the opportunities for improvement.</p> <p>Veolia has engaged The Odour Unit again to assess performance of the biofilter and expansion of the gas extraction system.</p> <p>2. Veolia establishes and enforces a clear policy that it is inappropriate for employees (theirs and contractors), and the family and friends of employees to engage in social media discussions regarding odour emissions from Woodlawn.</p> <p>This has been addressed with the Veolia employees at Woodlawn.</p>
6	Residual Life Expectancy of Woodlawn
	<p>1. Veolia, in liaison with Heron Resources, provide at the next meeting of the VCLC its long term planning/growth objectives (5-10 years) and longer term vision (10-20 years) for the Woodlawn Eco Precinct, especially in how it sees the management and disposal of waste, and what community and local infrastructure will be needed to support this planning and vision.</p> <p>Veolia during the previous meeting outlined its vision for further waste processing, including the proposal of an Energy Recovery Facility. Veolia has begun the environmental impact assessment and is awaiting SEARs from the Department of Industry and Environment (DPIE). This will include assessment on the surrounding infrastructure required to meet this development.</p> <p>Refer to previous correspondence and regular updates regarding the proposal on Veolia's website.</p> <p>The NSW DPIE/EPA has just released the NSW waste strategy which focussed on a key number of areas, around source segregation of organics, diversion from landfill, recycling and reuse, plus a statement around Energy from Waste. This strategy will drive the focus for the site and how Woodlawn continues to support the objectives of the state of NSW.</p> <p>Veolia will be seeking approval to expand its regional waste limit from the current 130ktpa to around 200ktpa as previously outlined. This application will be submitted prior to the end of the year and acknowledge that the Tarago Road (QPRC LGA) road works are required to be finalised before the approval could be granted.</p> <p>The Woodlawn MBT will be transformed into a Food and Garden Organics Facility starting the end of 2021 - processing a small volume of material. Beyond this the DPIE has mandated council by 2030 to have source segregated organic collection at the kerb side. Veolia will be well</p>

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	<p>positioned to utilise existing assets and approvals to process FOGO.</p> <p>In addition - Veolia's key focus is ecological transformation - where waste is identified as a resource. Leveraging existing assets for further recovery will be explored, such considerations include harnessing currently lost resources such as heat and CO2 from the existing power station and biogas stream that could enable a large-scale greenhouse to be developed at the site. The greenhouse could provide food such as vegetable crops and fish for the domestic or international market. This development opportunity has been a part of the original vision for the site.</p> <p>Our continued focus on the circular economy is the forefront of Veolia's value, as waste will continue to be seen as a resource.</p>
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Road Safety and Traffic Assessment – Woodlawn Eco-precinct, Tarago NSW

ARRB Project No.: 016331

Author: Gage Hodgson and Akaasha Nadeem

Prepared for: Veolia Environmental Services

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Draft Report

SUMMARY

The Australian Road Research Board (ARRB) was engaged by Veolia Environmental Services (Australia) Pty. Ltd (Veolia) to provide expert road safety advice regarding a proposed increase in heavy vehicle volumes associated with the Woodlawn Eco-precinct in Tarago, NSW.

Veolia Environmental Services is proposing an increase in the waste limit from the current approval of 130 KTPA to 200 KTPA to service market demand. This increase will be sourced through direct road access into the Woodlawn facility. A majority of the 70 KTPA increase is expected to be coming from south of the Woodlawn site and result in approximately 13.5 additional trucks per day. The remainder of the increase in waste transfer is expected to come from the north, resulting in approximately 1.6 additional trucks per day.

The scope of this assessment is as follows:

1. An assessment of road safety issues along the nominated access roads due to the projected increase in heavy vehicle volumes.
2. An assessment of the need for a heavy vehicle climbing lane on Bungedore Road (southbound) between the Inter-modal Facility (IMF) and the intersection with Collector Road.

The main road corridor servicing the Woodlawn Eco-precinct is Bungedore Road, which traverses both the Queanbeyan-Palerang Council and the Goulburn-Mulwaree Council areas. This route falls within the 1000 – 3000 AADT category of the Austroads Guide to Road Design, referenced by each Council's Development Control Plans.

Road works required to bring Bungedore Road up to the minimum Austroads requirements for 1000 – 3000 AADT have been discussed in this report.

The findings from the assessment are as follow:

Existing road formation

1. Numerous sections of the existing road formation along Bungedore Road do not meet the minimum formation requirements specified by Austroads for the level of traffic currently using this route.
2. The work required to bring Bungedore Road up to the minimum formation requirements of Austroads includes widening of traffic lanes, widening and sealing of the road shoulder area, marking and renewing of road edgelines, and upgrading guidepost road delineation.

Impact of proposal

3. The **impact on road safety** due to the increase in truck traffic resulting from the proposal is considered **negligible**; no major or new road safety hazards have been identified due to the proposed increase in heavy vehicle traffic.
4. While slow moving heavy vehicles do have the potential to restrict light vehicle travel speeds along the uphill section from IMF to the intersection with Collector Road, the travel time delay that would be experienced by light vehicle drivers is short relative to the overall journey time; the increase in heavy vehicle traffic from this proposal is not expected to increase the likelihood of delay to other traffic.

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ARRB – YOUR NATIONAL TRANSPORT RESEARCH ORGANISATION

ABN 68 004 620 651
National Transport Research Centre and Head Office: 80a Turner St, Port Melbourne, 3207 VIC, Australia
With offices in Brisbane, Sydney, Adelaide, Perth.
arrb.com.au

Draft Report | Road Safety and Traffic Assessment – Woodlawn Eco-precinct, Tarago NSW ii

TC-423-1-3-2a

5. Based on an assessment of the warrants for a climbing lane as provided in Austroads, the need for a climbing lane is **not considered necessary** since the impact of heavy vehicle traffic on travel time and road safety is determined to be very low to negligible in comparison with the cost and environmental impacts providing the climbing lane.

CONTENTS

1	INTRODUCTION.....	6
1.1	PROJECT BACKGROUND	6
1.2	PROJECT SCOPE	6
1.3	REPORT STRUCTURE.....	7
2	WOODLAWN ECO-PRECINCT.....	8
2.1	PROPOSED TRUCK MOVEMENT MODIFICATION.....	8
2.2	TRAFFIC SURVEY DATA	9
2.3	ROAD CHARACTERISTICS	11
3	METHODOLOGY.....	12
3.1	ROAD SAFETY	12
3.2	ROAD DESIGN.....	12
3.3	CLIMBING LANE ASSESSMENT	12
4	ASSESSMENT RESULTS.....	13
4.1	ROAD SAFETY	13
4.1.1	GENERAL FINDINGS	13
4.1.2	CRASH DATA	13
4.2	ROAD DESIGN.....	14
4.2.1	CROSS-SECTION	14
4.2.2	ROAD GEOMETRY	16
4.2.3	INTERSECTION GEOMETRY.....	16
4.2.4	LEVEL OF SERVICE	17
4.3	CLIMBING LANE ASSESSMENT	17
5	CONCLUSIONS.....	20
	REFERENCES	21
	APPENDIX A AUSTRROADS VEHICLE CLASSIFICATIONS	22
	APPENDIX B ROAD DESIGN	23
	APPENDIX C LEVEL OF SERVICE.....	24
	APPENDIX D CLIMBING LANE ASSESSMENT.....	25

TABLES

Table 2-1	Summary of July to August 2020 traffic volume survey	10
Table 2-2	Summary of July to August 2020 traffic speed survey	10
Table 2-3	Summary of speed and volume data at survey site 4	10
Table 2-4	Roadway and intersection characteristics	11
Table 4-1	Summary of heavy truck crashes on subject routes	13
Table 4-2	Typical existing road cross-sections and Austroads minimum requirements	14
Table 4-3	Level of Service and road width assessment	15
Table 4-4	Road cross-sections for Bungendore Road divided based on LGAs	16
Table 4-5	Climbing lane assessment for Bungendore Road	18

FIGURES

Figure 1-1	Aerial view of Woodlawn Eco-precinct including subject roads and intersections	6
Figure 2-1	Woodlawn eco-precinct access map	8
Figure 2-2	Survey sites	9

1 INTRODUCTION

1.1 PROJECT BACKGROUND

The Australian Road Research Board (ARRB) was engaged by Veolia Environmental Services (Australia) Pty. Ltd (Veolia) to provide expert road safety advice in regard to a proposed increase in heavy vehicle volumes associated with the Woodlawn Eco-precinct in Tarago, NSW.

Veolia Environmental Services is proposing an increase in the waste limit, sourced through direct road access into the facility, from current approval of 130 KTPA to 200 KTPA, to service market demand. A majority of the 70 KTPA increase will come from south of the Woodlawn site, equating to a proposed increase of 13.5 trucks; an estimated 1.6 trucks per day would access the site from the north.

1.2 PROJECT SCOPE

The scope of the project includes:

1. An assessment of road safety to ensure the projected increase in heavy vehicle volumes do not adversely impact the risk to road users and the local community.
2. An assessment of the need for a heavy vehicle climbing lane on Bungendore Road Southbound between the Inter-modal Facility (IMF) and the intersection with Collector Road.

The assessment will cover four mid-block sections and four intersections, as shown in the Figure 1-1.

Figure 1-1 Aerial view of Woodlawn Eco-precinct including subject roads and intersections



Source: Nearmap 2020

The traffic impact assessment reviews the typical cross-sections for the following mid-block sections:

- Collector Road between Woodlawn Eco-precinct and Bungendore Road
- Bungendore Road south of Collector Road
- Bungendore Road between Collector Road and Tarago township (incl. review of heavy vehicle climbing lane requirements)
- Braidwood Road immediately north of Tarago township.

And the following intersections are also reviewed:

- Woodlawn Eco-precinct access and Collector Road
- Collector Road and Bungendore Road
- Bungendore Road and Crisps Creek IMF access
- Braidwood Road and Wallace Street.

More detail on the subject routes is provided in Section 2.

ARRB's assessment of the effect of increased heavy vehicle movements referenced earlier review reports and include the following considerations:

- Road safety assessment along the subject routes.
- Suitability of the existing road design, specifically:
 - road geometry
 - cross-section formation against Austroads design requirements
 - intersection design.
- Heavy vehicle climbing lane requirements along Bungendore Road between the Inter-modal facility (IMF) and Collector Road.

1.3 REPORT STRUCTURE

The organisation of this report is as follows:

- Section 1 – provides an overview of the project
- Section 2 – outlines the relevant routes and proposed increase in traffic volume
- Section 3 – details the assessment methodology
- Section 4 – presents the findings of the road safety assessment
- Section 5 – concludes the report and provides recommendations.

2 WOODLAWN ECO-PRECINCT

2.1 PROPOSED TRUCK MOVEMENT MODIFICATION

The current approval for Veolia Environmental Services at Woodlawn allows acceptance of waste from two sources – via rail to the IMF and then by road to Woodlawn, and via direct road access from regional customers.

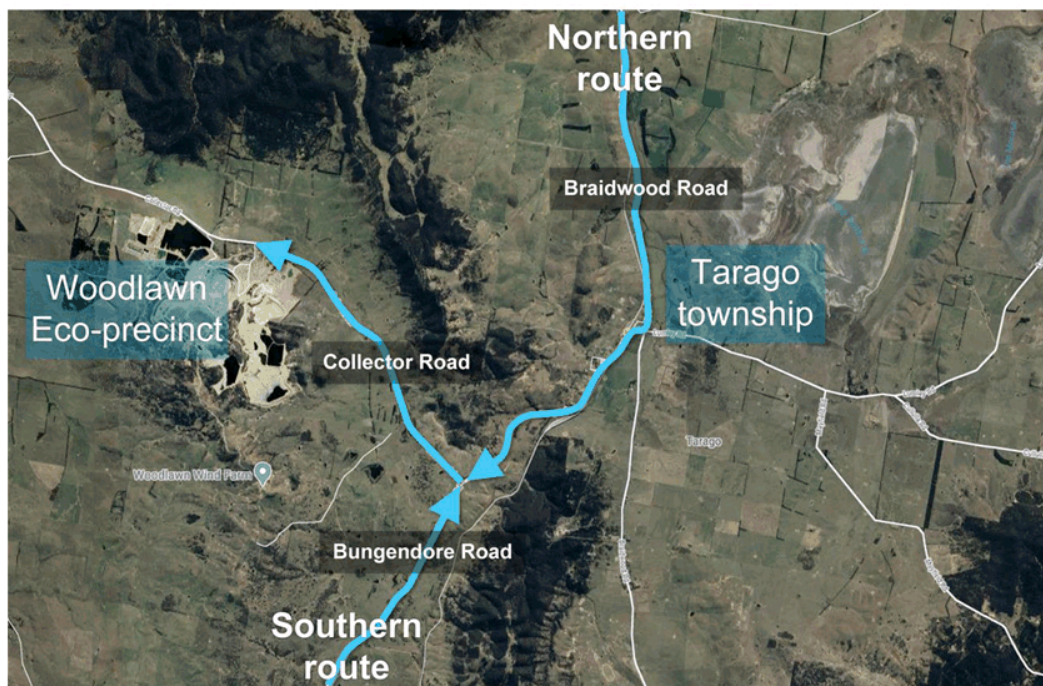
Road transport of waste involves trucks up to Austroads Heavy Vehicle Class 9, see in Appendix A.

The current capacity limit for direct road access waste is 130 KTPA, of which 74 KTPA comes from the south via Bungendore Road with the remaining 56 KTPA coming from the north via Braidwood Road through Tarago township.

The demand for waste disposal from regional customers has increased significantly in recent years, with Veolia proposing an expansion of operations at the Woodlawn Eco-precinct. This expansion, if approved, will see acceptance of an additional 70 KTPA of waste from neighbouring regional areas, resulting in additional road transport along Bungendore Road. Up to 62.5 KTPA of the 70 KTPA will come from the south with the remaining 7.5 KTPA coming from the north.

Figure 2-1 shows the access map of the Woodlawn bioreactor facility.

Figure 2-1 Woodlawn eco-precinct access map



Source: Nearmap 2020

As a result of the increased tonnage, the number of inbound truck movements is estimated to increase from an average of 16.0 to 29.5 trucks per day on the southern route and 12.1 to 13.7 trucks per day on the northern route, with an average truck load of 17.8 tonnes per vehicle.

Therefore, the proposed increase in the daily inbound truck movements will be 13.5 trucks on the southern route and 1.6 trucks on the northern route.

2.2 TRAFFIC SURVEY DATA

Traffic count and classification surveys were conducted at the following locations:

1. Bungendore Road at Crisps Creek Bridge
2. Bungendore Road at LGA boundary
3. Collector Road 950 m from Bungendore Road
4. Bungendore Road on the incline between Crisps Creek Bridge and Collector Road (from Council traffic survey data collected in 2013)

The location of each traffic survey is shown in Figure 2-2. Speed and volume data for survey sites 1 to 3 is summarised in Table 2-1 and Table 2-2, respectively.

A breakdown of vehicle class and speeds for survey site 4 is provided separately in Table 2-3.

Figure 2-2 Survey sites



Source: Nearmap 2020

The proportion of existing and proposed traffic that trucks servicing Woodlawn represents is as follows:

- Bungendore Road (north) approximately 1.64% (existing) and 1.85% (proposed).
- Bungendore Road (south) approximately 2.35% (existing) and 4.33% (proposed).
- Collector Road approximately 7.85% (existing) and 11.9% (proposed)

Table 2-1 Summary of July to August 2020 traffic volume survey

#	Survey location	Volume			Percentage			ADT
		Light vehicles	Heavy vehicles	Heavy vehicles Class 9 and above	Light vehicles	Heavy vehicles	Heavy vehicles Class 9 and above	
1	Bungendore Rd at Crisps Creek Bridge	38,348	10,450	5,192	78.6%	21.4%	10.7%	1,479
2	Bungendore Rd at LGA boundary	38,198	6,813	1,966	84.9%	15.1%	4.4%	1,364
3	Collector Rd 950 m from Bungendore Rd	4,985	5,034	3,995	49.8%	50.2%	39.9%	716
4	Bungendore Rd on the incline between Crisps Creek Bridge and Collector Rd ¹	756	210	133	77.8%	22.2%	13.8%	966

¹ Only southbound survey was available for this location, it is assumed that northbound volume equal southbound volume.

Table 2-2 Summary of July to August 2020 traffic speed survey

#	Survey location	Median speed (km/h)			
		Light vehicles	Heavy vehicles	Heavy vehicles Class 9 and above	All vehicles
1	Bungendore Rd at Crisps Creek Bridge	90 – 100	80 – 90	70 – 80	90 – 100
2	Bungendore Rd at LGA boundary	90 – 100	90 – 100	90 – 100	90 – 100
3	Collector Rd 950 m from Bungendore Rd	90 – 100	90 – 100	80 – 90	90 – 100

Note – Light and heavy vehicle classes are as per the Austroads Vehicle Classification System illustrated in Appendix A.

Table 2-3 Summary of speed and volume data at survey site 4

Vehicle class	Volume (vpd)	85 th percentile speed (km/h)	Mean speed (km/h)
1 – 12	483	100.8	82.3
1 – 2	378	101.9	88.6
3 – 12	107	91.1	55.8
6 – 12	70	65.2	40.9
9 – 12	67	55.1	39.1

Source: ARRB (2013a)

2.3 ROAD CHARACTERISTICS

The midblock and intersection characteristics for the subject roads are provided in Table 2-4.

Table 2-4 Roadway and intersection characteristics

Element	Key characteristics
Roadway	
Collector Road between Woodlawn Eco-precinct and Bungendore Road	Two-lane two-way road, with traffic lane width of 3.5 m and shoulder width of 2 m on both sides. The sign-posted speed limit is 100 km/h.
Bungendore Road immediately South of Collector Road	Two-lane two-way road, with traffic lane width of 3.5 m and shoulder width of 1 m on both sides. The sign-posted speed limit is 100 km/h.
Bungendore Road between Collector Road and Tarago township	Two-lane two-way road, with traffic lane width of 3.5 m and shoulder width of 1 m on both sides. The sign-posted speed limit is 100 km/h.
Braidwood Road immediately North of Tarago township	Two-lane two-way road, with traffic lane width of 3.5 m and shoulder width of 1 m or more on both sides. The sign-posted speed limit is 60 km/h.
Intersection	
Woodlawn Eco-precinct access and Collector Road intersection	A three-way unsignalised T-intersection.
Collector Road and Bungendore Road intersection	A three-way unsignalised intersection. A dedicated right turn lane is provided for southbound traffic on Bungendore Road turning onto Collector Road. Good sight distance is available from all directions. Movements from Collector Rd are controlled with GIVE WAY signage.
Bungendore Road and Crisps Creek IMF access intersection	A three-way unsignalised intersection. A dedicated right turn lane is provided for northbound traffic on Bungendore Road turning onto Collector Road. Good sight distance is available from all directions. Acceleration lane is provided for heavy vehicles exiting from the IMF.
Braidwood Road and Wallace Street intersection	A four-way unsignalised priority-controlled intersection with priority for northbound and southbound traffic travelling along Braidwood Road. No dedicated right turn lanes present. Minor movements from Wallace St and Lumley Rd are controlled by GIVE WAY signage.

The TfNSW Restricted Access Vehicles Map (TfNSW 2020) shows all subject routes are TfNSW approved B-double routes except Bungendore Road south of Collector Road which is an approved Higher Mass Limit (HML¹) short combination route.

¹ A short combination vehicle is a truck nominated to haul one trailer where the combination has 6 axles or fewer, and the maximum total mass that is legally allowable for the combination is 42.5 tonnes or less.

3 METHODOLOGY

This section briefly outlines the methodology for the assessment of road safety, road design and warrant assessment for a climbing lane. All aspects of the assessment will consider the effect of an increased volume of heavy vehicles on the access routes, on road safety, and road design requirements.

3.1 ROAD SAFETY

An assessment of road safety along the Primary Transport Route is largely a qualitative assessment, applying road safety audit principles considering the road and roadside features in terms of the potential to contribute to road crashes and overall road safety risk. Reference is also made to relevant and established Austroads guidelines to ensure acceptable minimum road design criteria are either met or exceeded.

Relevant road design, road safety performance documentation, video data and crash data were assessed by the project team to identify potential road safety issues which may arise from the proposed increase in heavy vehicle traffic volume.

3.2 ROAD DESIGN

The proposed increase in heavy vehicle volumes was assessed against the *Austroads Guide to Road Design Part 3: Geometric Design* (Austroads 2020a), and Council Development Control Plans, with consideration of the potential impact of increased traffic volumes on road cross-sections, road geometry, intersection geometry and Level of Service (LoS).

More details on the specifications in Austroads (2020a) are provided in Appendix B and Appendix C.

3.3 CLIMBING LANE ASSESSMENT

The need for an auxiliary climbing lane to be installed on the steepest section of Bungendore Road (southbound) between IMF and Collector Road was assessed against the requirements outlined in Austroads (2020a).

Full details of the Austroads' climbing lane assessment methodology are outlined in Appendix D.

4 ASSESSMENT RESULTS

4.1 ROAD SAFETY

This section outlines the findings of the road safety assessment.

4.1.1 GENERAL FINDINGS

A desktop review of video data of the subject routes did not identify any notable or new road infrastructure safety hazards which maybe expected to result from Veolia’s proposal to increase heavy vehicle volumes above existing traffic volume levels.

Road safety hazards were identified and collated by ARRB as part of Road Safety Audit of the subject routes (2013b), specifically relating to the presence of roadside hazards, 100 km/h speed limit and lack of adequate linemarking. The proposed additional heavy vehicles are not expected to contribute to additional or increased risk related to these hazards or to other road users.

4.1.2 CRASH DATA

Crash data from Transport for NSW Centre for Road Safety indicates that, over the five-year period from 2015 to 2019, four heavy truck crashes have occurred on the northern route², along Braidwood Road north of Tarago. It is possible to determine from the crash data whether the vehicles involved were delivering to or returning from with the Woodlawn operations.

No heavy truck crashes were reported for Bungendore Road or Collector Road.

A summary of key crash features is provided in Table 4-1.

Table 4-1 Summary of heavy truck crashes on subject routes

Year	Degree of crash	Crash type	Location	No. injured
2017	Non-casualty	Run-off road	Midblock	0
2019	Minor injury	Run-off road	Midblock	1
2019	Non-casualty	Run-off road	Midblock	0
2019	Non-casualty	Run-off road	Midblock	0

The recorded crash history along the subject routes does not indicate an existing or developing road safety problem that would be made worse by the proposed increase in heavy vehicle traffic.

² It is noted one heavy truck crash occurred on Braidwood Road south of Tarago Township. This does not fall on the subject routes and has therefore been excluded.

4.2 ROAD DESIGN

The assessment of road design will cover the adequacy of the existing road, including cross-sections, geometry, intersection layouts and Level of Service (LoS), to support the proposed increase in heavy vehicle movements.

4.2.1 CROSS-SECTION

The cross-section analysis covers the following mid-block sections:

- Collector Road between Woodlawn Eco-precinct and Bungendore Road.
- Bungendore Road south of Collector Road.
- Bungendore Road between Collector Road and Tarago township (incl. review of heavy vehicle climbing lane requirements).
- Braidwood Road immediately north of Tarago township.

Typical existing and minimum Austroads specified road cross-sections for each of the subject roads are shown in Table 4-2.

Table 4-2 Typical existing road cross-sections and Austroads minimum requirements

	Element	Bungendore Road (north)	Bungendore Road (south)	Collector Road	Braidwood Road
Existing conditions	ADT	1,479	1,364	716	2,958
	Traffic lanes (m)	7.0	6.4-7.8	6.6-7.0	7.0
	Sealed shoulder (m)	1.0	0.7-1.4	0-1.0	1.5
	Unsealed shoulder (m)	1.0	0-1.0	0-1.0	0.5
	Typical carriageway width	11.0	9.0-10.2	9.8-10.0	11.0
Austroads typical minimum requirements	AADT category	1000-3000	1000-3000	500-1000	1000-3000
	Traffic lanes (m)	7.0	7.0	6.2-7.0	7.0
	Sealed shoulder (m)	1.0	1.0	0.5	1.0
	Total shoulder (m)	2.0	2.0	1.5	2.0
	Total carriageway width	11.0	11.0	9.2-10.0	11.0

A marked difference in the cross-section and road condition was evident moving from one LGA to the other; the wider formation and better road surface and road shoulders generally occurred along the Goulburn-Mulwaree LGA section.

Based on the review of traffic survey data at different locations along the study routes, the aerial images and site images from different sources (ARRB 2013a, Ontoit 2019), Table 4-3 presents the LoS and road width assessment results.

Table 4-3 Level of Service and road width assessment

Road section	ADT (vpd)	ADT after expansion (vpd)	Mean speed (km/h)	LoS	Current total carriageway width (m)	Austrroads design AADT band (vpd)	Austrroads road width guidelines (m)	Compliance with Austrroads guidelines (yes/no)
Collector Road west of Bungendore Road	716	732 (+15.1)	90 – 100	A	9.8-10.0	500 – 1000	9.2 – 10	Yes
Braidwood Road north of Wallace Street	< 2,958 ¹	< 2,960 (+1.5)	> 90 ²	A	11.0	1000 – 3000	11.0	Yes
Bungendore Road south of Collector Road	1,364	1,378 (+13.6)	90 – 100	A	9.0-10.2	1000 – 3000	11.0	No
Bungendore Road North of Collector Road	1,479	1,481 (+1.5)	On the incline 80 – 90, other sections 90 – 100	B on the incline, A for other sections	11.0	1000 – 3000	11.0	Yes

¹ No survey data available, assuming the ADT on Braidwood Road is less than two times of Bungendore Road ADT.

² No survey data available, the mean speed was estimated based on the speed observed on Bungendore Road.

The following discusses the road cross-section issues along the access routes that do not meeting the Austrroads requirements.

Bungendore Road Cross-section

Different sections of Bungendore Road under the Queanbeyan-Palerang Council ('Q-P Council') and the Goulburn-Mulwaree Council ('G-M Council') were assessed and compared against the required road widths outlined by Austrroads and as specified in each Council's DCP for single carriageway rural roads.

Table 4-4 provides a comparison of the typical width for each element of the road cross-section, with the range for each element based on measurements taken at various points along each section of road to ensure a representation of the road has been captured.

The existing road measurements (Column B) taken on Bungendore Road (Q-P Council) do not meet the Austrroads specifications for a road volume of 1,000-3,000 vehicles per day (Column D) nor do the measurements meet the Q-P Council requirements (Column E).

Sections of Bungendore Road in the G-M Council LGA meet the Austrroads criteria (Column D) but not consistently, and mostly meet the G-M Council DCP requirements (Column E), although again, not consistently.

It is noted that overall, Bungendore Road in both Q-P and G-M Council areas does not currently meet the relevant Austrroads requirements for a 1,000-3,000 AADT road consistently over the entire length.

The works required to bring Bungendore Road up to the minimum Austrroads requirements for 1,000-3,000 vehicles per day are as follows:

Bungendore Road (Queanbeyan-Palerang Council)

- From the Q-P/G-M Council boundary for approximately 5.16 km:
 - Install left and right shoulders, up to 2.0 m wide, of which a minimum of 1.0 m is sealed on each side
 - Install marked edge lines on the left and right side of the road.
- For the remainder of the road:

- where existing sealed shoulders are too narrow or drop out, widen and reseal
- where edge lines are faded and inconsistently marked, renew linemarking to ensure they are readily visible to drivers.
- Provide consistent guidepost delineation along the length of the road

Bungendore Road (Goulburn-Mulwaree Council)

- Provide a minimum of 1.0 m sealed shoulder width along the entire length of Bungendore Road.
- Ensure edgelines are remarked and readily visible to drivers.

Table 4-4 Road cross-sections for Bungendore Road divided based on LGAs

A Road element	Existing Road (measured)			E Council specifications (Q-P/G-M LGA)
	B Queanbeyan-Palerang Council	C Goulburn-Mulwaree Council	D Austroads requirements	
ADT	1,479	1,364	1,000-3,000	
Traffic lane (m)	3.0 - 3.6	3.2 - 3.9	3.5	Q-P = 3.5/G-M = 3.5
Sealed shoulder (m)	0 - 0.7	0.7 - 1.4	1.0 (min).	Q-P = 2.0/G-M = 0.5
Unsealed shoulder (m)	0 - 1.0	0 - 1.0	1.0	Q-P = 1.0/G-M = 0.5
Sealed width	6.1 - 8.0	7.8 - 10.6	9.0 (min).	Q-P = 11.0/G-M = 8.0
Total carriageway	6.1 - 9.7	9.0 - 10.2	11.0	Q-P = 11.0 (min)/G-M = 9.0
General notes:				
Roadside clearance	Frequent presence of unprotected roadside hazards in close proximity to road edge including trees, culvert headwalls and embankments			
Road pavement condition	Heavy patching and sections with poor surface texture evident.	Road surface conditions are generally satisfactory		

4.2.2 ROAD GEOMETRY

There is no proposed change to the classification of heavy vehicles being used on the route as part of the proposed increase in heavy vehicle movements, therefore the road geometry can support all proposed vehicle type movements without modification.

4.2.3 INTERSECTION GEOMETRY

The study route contains four key intersections, as shown in Figure 1-1 :

1. Woodlawn Eco-precinct access and Collector Road intersection
2. Collector Road and Bungendore Road intersection
3. Bungendore Road and Crisps Creek Intermodal Facility access intersection
4. Braidwood Road and Wallace Street intersection.

All four intersections are located on TfNSW B-double approved route. As a part of that approval the intersections would have been assessed for B-double suitability requirements including consideration of acceleration and deceleration lanes, sight distance, turning (swept) paths and general road safety.

A detailed LoS analysis for the above intersections was not conducted due to lack of intersection delay data being available.

There is no proposed change to the classification of heavy vehicles being used on the route as part of the proposed increase in heavy vehicle movements, therefore the intersection geometry is considered suitable to safely support all proposed vehicle movements without modification.

4.2.4 LEVEL OF SERVICE

Based on traffic volumes and road configuration Bungendore Road south of Collector Road **currently** operates at LoS A; north of Collector Road Bungendore Road operates at LoS A; the effect of the incline section reduces the level of service to LoS B.

The proposed increase in the daily inbound truck movements of 13.5 trucks on the southern section of the route and 1.6 trucks on the northern section of the route is not expected to have an impact on the road that will affect its level of service.

Therefore, the proposed increase in heavy vehicle volumes on Bungendore Road associated with the Woodlawn Eco-precinct will have no measurable impact on the level of service.

4.3 CLIMBING LANE ASSESSMENT

Modification proposal

Under the proposed modification, the number of inbound truck movements from the north is proposed to increase from an average of 12.1 trucks per day will increase to 13.7 trucks per day; the average load of the trucks is 17.8 tonnes.

An assessment of the impact of these southbound heavy vehicles on traffic and safety travelling up the incline section of Bungendore Road is presented below.

Climbing lane warrants and review

The warrants for an overtaking or climbing lane consider multiple factors and are generally applied as a strategic view for longer length arterial routes.

An overtaking lane or climbing lane serves two purposes; firstly, it provides improved and/or unimpeded traffic movement, typically referred to as the LoS; secondly, it may be provided to address road safety risk (e.g., driver frustration), which may occur when safe overtaking opportunities are restricted due to road terrain and/or a lack of appropriate gaps in the opposing traffic stream.

Austrroads (2020a) provides a checklist of factors for considering if overtaking or climbing lanes are warranted based on the road environment and LoS factors. Austrroads (2020b) provides additional guidance for determining the LoS along rural two-lane highways based on average travel speed; refer to Appendix A for details.

Whether a climbing lane is warranted will depend on maintaining an appropriate LoS along Bungendore Road, however, this is subject to whether the benefits outweigh the costs. To determine if there is sufficient benefit to justify an upgrade via the development of a climbing lane, further assessment of the potential and likely conflict between light and heavy vehicles is required.

The assessment of Bungendore Road against the LoS and Austrroads warrants for a climbing lane is presented in Table 4-5.

Table 4-5 Climbing lane assessment for Bungendore Road

Austrroads warrant	Assessment	Comment
Truck speeds fall to 40 km/h or less	Yes	Previous survey at approximately half-way along the incline section showed a mean speed of 39.1 km/h for Class 9 and Class 10 heavy vehicles. It is also noted the 85 th speed of trucks is 55.1 km/h
Traffic volumes equal or exceed those in Table 9.4 of Austrroads 2020a.	Yes	July to August volume data shows that the traffic along Bungendore Road at Crisps Creek Bridge was 1,479 (ADT) with 21.4% heavy vehicles (317 ADT). The threshold volume is 900 AADT
Long grades over 8% occur	No	Incline grade up to 8% for a short length, only, of 300 m.
Accidents attributable to the effects of the slow-moving trucks are significant	No	No recorded crashes attributable to slow moving trucks between 2015 and 2019 based on TfNSW crash stats.
Heavy trucks from an adjacent industry enter the traffic stream on the up grade	No	No heavy trucks enter on grade along this section of Bungendore Road.
Level of service on the grade falls two levels below that on the approach to the upgrade or to level 'E' AASHTO (2011a).	No	Based on Austrroads LoS assessment criteria, the incline section between IMF and Collector Road is expected to be LoS B, while the previous survey showed a mean travel speed of 82.3 km/h for all vehicles. This is one level below that on the approach to the upgrade.

The following are additional points for consideration in the assessment of whether a climbing lane is necessary include:

- Although it is acknowledged that a light vehicle following a heavy vehicle currently has no passing opportunities and will be required to slow down until the end of the incline section, speed survey data indicates that there is relatively limited impact on the travel speed and travel time of light vehicles;. The total length of incline is 1.5 km, therefore the impact of slow-moving heavy vehicles on light vehicle travel along Bungendore Road occurs over a relatively short section and for a limited time of the incline. The effect on travel time for a light vehicle following a heavy vehicle along the incline section is approximately 60 to 70 second extension to a trip.
- The road geometry and cut/fill terrain restrict the feasibility of providing an appropriately located and properly designed full or partial climbing lane. The constant curve in the road alignment restricts the available sight distance to merge points, while the large cut and fill batters constrain the available width and add significantly to the cost of construction. The provision of a climbing lane would involve considerable cost associated with property acquisitions and largescale cut and fill earthworks to construct the additional lane; there would also be an additional environmental impact with the loss of roadside vegetation associated with the large cut and fill required.

A climbing lane or partial climbing option is feasible toward the end of the incline section, however by this point heavy vehicles are able to accelerate quickly after the incline and/or will shortly leave MR268 to travel to Woodlawn and no longer present a constraint to southbound traffic.

Summary

Slow moving heavy vehicles will restrict the travel speed of light vehicles caught following behind along the uphill section of Bungendore Road, north of Collector Road.

However, the volume of light vehicles is relatively low and the proposed increase negligible overall; further, the travel time delay that would be experienced by light vehicle drivers is relatively brief and occurs over a short length of the total journey along Bungendore Road, being restricted to the section between the IMF and

Collector Road; free flow conditions become available after the Collector Road intersection where Woodlawn bound trucks turn off from Bungendore Road.

A climbing lane along Bungendore Road between the IMF and Collector Road intersection is not supported since the impact on travel time and road safety by slower moving heavy vehicles is considered very low; the increase in heavy vehicle traffic resulting from the modification is negligible; and the cost of construction and environmental impact provide a climbing lane are significant and disproportionate to the increase in heavy vehicles due to the proposal.

5 CONCLUSIONS

The proposed increase in heavy vehicle movements to and from Woodlawn Eco-precinct at Tarago, NSW, has been assessed for impacts on road safety performance, road design, traffic performance, and the need for a climbing lane along the northern section of Bungendore Road. The conclusion of this assessment is as follows:

1. The proposal by Veolia Environmental Services (Australia) Pty. Ltd to increase the waste limit, sourced through direct road access into the facility by 70 KTPA will result in an estimated increase of 13.5 trucks per day along Bungendore Road from the south and an estimated 1.6 trucks per day from the north.
2. The increase in heavy vehicle traffic associated with the proposal is negligible and does not practically impact the existing volume of heavy vehicles using the Bungendore Road and Collector Road access route.
3. The **impact on road safety** due to the proposed increase in truck traffic is **considered negligible**; no major or new road safety hazards have been identified due to the proposed increase in heavy vehicle traffic.
4. The four key intersections along the Bungendore/Collector Road access route are on an existing TfNSW-approved B-double route, have been previously assessed suitable for B-double access.
5. The provision of a climbing lane along Bungendore Road between the IMF and Collector Road intersection is not warranted since the impact on travel time and road safety by slower moving heavy vehicles is considered very low; the increase in heavy vehicle traffic resulting from the modification and therefore the impact on traffic is negligible; and there would be a significant cost of construction and impact on the environment.
6. The existing formation (lane and shoulder widths, linemarking and delineation), along considerable sections of Bungendore Road within the Queanbeyan-Palerang LGA do not meet the requirements of Austroads or Council's own DCP for a road carrying between 1,000 and 3,000 vehicles per day.
7. The existing formation (lane and shoulder widths, linemarking and delineation) of Bungendore Road within the Goulburn-Mulwaree LGA generally meet the requirements of Austroads and Council's own DCP for a road carrying between 1,000 and 3,000 vehicles per day, although some widening and improvements is required on sections.

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APPENDIX A AUSTRROADS VEHICLE CLASSIFICATIONS

AUSTRROADS Vehicle Classification System

Level 1 Length (indicative)	Level 2 Axles and Axle Groups		Level 3 Vehicle Type	AUSTRROADS Classification		
Type	Axles	Groups	Typical Description	Class	Parameters	Typical Configuration
Short up to 5.5m	1 or 2		Short Sedan, Wagon, 4WD, Utility, Light Van, Bicycle, Motorcycle, etc	1	$d(1) \leq 3.2m$ and axles = 2	
	3, 4 or 5	3	Short - Towing Trailer, Caravan, Boat, etc	2	groups = 3 $d(1) \geq 2.1m$, $d(1) < 3.2m$, $d(2) \geq 2.1m$ and axles = 3, 4 or 5	
Medium 5.5m to 14.5m			HEAVY VEHICLES			
	2	2	Two Axle Truck or Bus	3	$d(1) > 3.2m$ and axles = 2	
	3	2	Three Axle Truck or Bus	4	axles = 3 and groups = 2	
	> 3	2	Four Axle Truck	5	axles > 3 and groups = 2	
Long 11.5m to 19.0m	3	3	Three Axle Articulated Three axle articulated vehicle, or Rigid vehicle and trailer	6	$d(1) > 3.2m$, axles = 3 and groups = 3	
	4	> 2	Four Axle Articulated Four axle articulated vehicle, or Rigid vehicle and trailer	7	$d(2) < 2.1m$ or $d(1) < 2.1m$ or $d(1) > 3.2m$ axles = 4 and groups > 2	
	5	> 2	Five Axle Articulated Five axle articulated vehicle, or Rigid vehicle and trailer	8	$d(2) < 2.1m$ or $d(1) < 2.1m$ or $d(1) > 3.2m$ axles = 5 and groups > 2	
	≥ 6	> 2	Six Axle Articulated Six axle articulated vehicle, or Rigid vehicle and trailer	9	axles = 6 and groups > 2 or axles > 6 and groups = 3	
Medium Combination 17.5m to 36.5m	> 6	4	B Double B Double, or Heavy truck and trailer	10	groups = 4 and axles > 6	
	> 6	5 or 6	Double Road Train Double road train, or Medium articulated vehicle and one dog trailer (M.A.D.)	11	groups = 5 or 6 and axles > 6	
Large Combination Over 33.0m	> 6	> 6	Triple Road Train Triple road train, or Heavy truck and three trailers	12	groups > 6 and axles > 6	

Definitions:
 Group: Axle group, where adjacent axles are less than 2.1m apart
 Groups: Number of axle groups
 Axles: Number of axles (maximum axle spacing of 10.0m)

$d(1)$: Distance between first and second axle
 $d(2)$: Distance between second and third axle

APPENDIX B ROAD DESIGN

The following tables have been taken from the Austroads Guide to Road Design Part 3 Geometric Design (2020a). It provides the typical road formation arrangements of two-lane two-way undivided rural roads.

Austrroads extract – rural road widths

Table 4.5: Single carriageway rural road widths (m)

Element	Design AADT				
	1–150	150–500	500–1000	1000–3000	> 3000
Traffic lanes ⁽¹⁾	3.7 (1 x 3.7)	6.2 (2 x 3.1)	6.2–7.0 (2 x 3.1/3.5)	7.0 (2 x 3.5)	7.0 (2 x 3.5)
Total shoulder	2.5	1.5	1.5	2.0	2.5
Minimum shoulder seal ^{(2),(3),(4),(5),(6)}	0	0.5	0.5	1.0	1.5
Total carriageway	8.7	9.2	9.2–10.0	11.0	12.0

- 1 Traffic lane widths include centrelines but are exclusive of edge-lines.
- 2 Where significant numbers of cyclists use the roadway, consideration should be given to fully sealing the shoulders. Suggest use of a maximum size 10 mm seal within a 20 km radius of towns.
- 3 Wider shoulder seals may be appropriate depending on requirements for maintenance costs, soil and climatic conditions or to accommodate the tracked width requirements for Large Combination Vehicles.
- 4 Short lengths of wider shoulder seal or lay-bys to be provided at suitable locations to provide for discretionary stops.
- 5 Full width shoulder seals may be appropriate adjacent to safety barriers and on the high side of superelevation.
- 6 A minimum 7.0 m seal should be provided on designated heavy vehicle routes (or where the AADT contains more than 15% heavy vehicles).

APPENDIX C LEVEL OF SERVICE

Austrroads extract – Automobile LoS for two-lane highways

Table 5.3: Automobile LOS for two-lane highways

LOS	Class I highway		Class II highways PTSF (%)	Class III highways PFFS (%)
	Average travel speed ATS (km/h)	Per cent time-spent-following (PTSF) (%)		
A	> 90	≤ 35	< 40	> 91.7
B	> 80 – 90	> 35 – 50	> 40 – 55	> 83.3 – 91.7
C	> 70 – 80	> 50 – 65	> 55 – 70	> 75.0 – 83.3
D	> 60 – 70	> 65 – 80	> 70 – 85	> 66.7 – 75.0
E	≤ 60	> 80	> 85	≤ 66.7

Note: LOS F applies whenever the arrival flow exceeds the segment capacity.

Source: Austrroads (2020b)

Austrroads extract – Summary of LoS criteria using delay

Table 7.7: Summary of LOS criteria using delay

LOS	Average delay per vehicle (d) in seconds			
	Unsignalised intersections	Roundabouts	Signalised intersections	All intersection types
	HCM 2000 and 2016; SIDRA intersection	SIDRA intersection Recommended values	HCM 2000 and 2016; SIDRA intersection	RTA (2002)
A	$d \leq 10$	$d \leq 10$	$d \leq 10$	$d \leq 14$
B	$10 < d \leq 15$	$10 < d \leq 20$	$10 < d \leq 20$	$15 < d \leq 28$
C	$15 < d \leq 25$	$20 < d \leq 35$	$20 < d \leq 35$	$29 < d \leq 42$
D	$25 < d \leq 35$	$35 < d \leq 50$	$35 < d \leq 55$	$43 < d \leq 56$
E	$35 < d \leq 50$	$50 < d \leq 70$	$55 < d \leq 80$	$57 < d \leq 70$
F	$50 < d$	$70 < d$	$80 < d$	$70 < d$

Source: Adapted from TRB (2016a), Akçelik and Associates (2011) and RTA (2002).

Source: Austrroads (2020b)

APPENDIX D CLIMBING LANE ASSESSMENT

Austrroads extract – Volume guidelines for overtaking and climbing lanes

Table 9.1: Traffic volume guidelines for providing overtaking lanes

Overtaking opportunities over the preceding 5 km ⁽¹⁾		Current-year design volume (AADT)		
Description	Per cent length providing overtaking ⁽²⁾	Percentage of slow vehicles ⁽³⁾		
		5	10	20
Excellent	70–100	5670	5000	4330
Good	30–70	4330	3670	3330
Moderate	10–30	3130	2800	2470
Occasional	5–10	2270	2000	1730
Restricted	0–5	1530	1330	1130
Very restricted ⁽⁴⁾	0	930	800	670

1 Depending on road length being evaluated, this distance could range from 3 to 10 km.

2 See Section 5.6.4.

3 Including light trucks and cars towing trailers, caravans and boats.

4 No overtaking for 3 km in each direction.

Austrroads extract – Volume guidelines for partial climbing lanes

Table 9.4: Volume guidelines for partial climbing lanes

Overtaking opportunities over the preceding 5 km ⁽¹⁾		Current year design volume (AADT)		
Description	Per cent length providing overtaking ⁽²⁾	Percentage of slow vehicles ⁽³⁾		
		5%	10%	20%
Excellent	70–100	4500	4000	3500
Good	30–70	3500	3000	2600
Moderate	10–30	2500	2200	2000
Occasional	5–10	1800	1600	1400
Restricted	0–5	1200	1000	900
Very restricted ⁽⁴⁾	0	700	600	500

1 Depending on road length being considered, this distance can range from 3 to 10 km.

2 See Section 5.6.4.

3 Including light trucks and cars towing trailers, caravans and boats.

4 No overtaking for 3 km in either direction.

Austrroads (2020a) identifies climbing lanes as a subset of auxiliary lanes, and in considering the need for them (auxiliary lanes) states:

- Auxiliary lanes are those lanes which are added adjacent to the through traffic lanes to enhance traffic flow and maintain the required level of service on the road.
- Auxiliary lanes are used to remove traffic that is causing disruption to the smooth flow of traffic in the through lanes to a separate lane to allow the through traffic to proceed relatively unhindered by the disruption. They are a means of separating the elements of the traffic stream on the basis of the speed difference between them, thereby improving the safety of the road as well as its capacity and level of service provided.

Options available in Austrroads (2020a) for auxiliary lanes include:

- Speed change lanes (acceleration and deceleration).
- Overtaking lanes and climbing lane.
- Slow vehicle turnouts.

For overtaking lanes, Austroads (2020a) states:

- Overtaking lanes are provided to break up bunches of traffic and improve traffic flow over a section of road. They provide a positive overtaking opportunity and are sometimes the only real chance for overtaking to occur.
- The demand for overtaking occurs each time a vehicle catches up with another and the driver wishes to maintain the speed of travel. Provided there is no approaching traffic, this manoeuvre can occur where there is adequate sight distance.
- In extreme no-overtaking situations, very long queues can develop behind the slowest vehicles in the traffic stream. The delay and frustration experienced on grades may be greater due to the slow speed of travel. The proportion of the journey time spent following in bunches is a useful measure of quality of service as seen by the driver.

The type of slow vehicle influences the nature of overtaking demand. Some vehicles can be overtaken easily anywhere along a route, while for others an upgraded overtaking opportunity is desirable. In evaluating the need for auxiliary lanes, attention should be given to the type of slow vehicles involved and whether the overtaking demand is continuous along a route or confined to specific problem locations.

Types of slow vehicles are:

- Vehicles with fairly high speeds, that slow down markedly on grades
- Vehicles with low speeds, not affected by grades
- Vehicles with average speeds that are seen as slow by those wishing to travel faster.

Austrroads (2020a) identifies:

- On two-lane two-way roads, the availability of overtaking opportunities depends on sight distance and gaps in the opposing traffic stream. As opposing traffic volume increases, overtaking opportunities become restricted even if sight distance is adequate. Sight distance that appears adequate may also be unusable on occasions due to the size of the vehicle in front, particularly on left-hand curves.
- In deciding whether an overtaking lane is warranted, the evaluation needs to be carried out over a significant route length and not be isolated to the particular length over which the additional lane may be constructed.
- The basis for adopting an overtaking lane is the traffic volume, the percentage of slow vehicles including light trucks and cars towing, and the availability of overtaking opportunities on adjoining sections.

Regarding climbing lanes, Austrroads (2020a) identifies:

- Climbing lanes can be considered as a special form of overtaking lane but they are only provided on inclines. Where they are provided, they form part of the network of overtaking opportunities and will therefore have an effect on decisions on the location of other overtaking lanes.
- The decision on whether to add a climbing lane is based *on level of service considerations only* (emphasis added).

It is these considerations that have been referenced in reviewing the need for an auxiliary/climbing lane.

Warrants

The warrants for each type of auxiliary lane are outlined in Austrroads (2020a).

Considering climbing lane options, Austrroads (2020a) states *'the decision on whether to add a climbing lane is based on level of service considerations only'*. On this basis, Austrroads indicates that climbing lanes are warranted where:

- Truck speeds fall to 40 km/h or less
- Traffic volumes equal or exceed those in Table 9.4 of Austrroads (2020a), replicated above.

And should be considered where:

- Long grades of over 8% occur

- Accidents attributable to the effects of the slow-moving trucks are significant
- Heavy trucks from an adjacent industry enter the traffic stream on the up grade
- The level of service on the grade falls two levels below that on the approach to the upgrade or to level 'E' AASHTO (2011a).

CONTACT US

David McTiernan

National Leader

Transport Safety

E: david.mctiernan@arrb.com.au

ARRB.COM.AU



GOULBURN
LIQUOR ACCORD
LOCAL IDEAS. REAL SOLUTIONS.

Minutes of the Goulburn Liquor Accord Meeting held on
Wednesday 21st July 2021 at 10:00am in the Goulburn
Mulwaree Council Chambers



Minutes of the Goulburn Liquor Accord Meeting held on **Wednesday 21st July 2021** at 10:00am in the Goulburn Mulwaree Council Chambers

Contents

Attendance: 2

Minutes of Last Meeting 3

Treasurers Report 3

Correspondence: 3

Police Report 3

General Business: 4

Meeting Closed 5

Tasks from this meeting 5



Minutes of the Goulburn Liquor Accord Meeting held on **Wednesday 21st July 2021** at 10:00am in the Goulburn Mulwaree Council Chambers

Chairman: Leon Lincoln (NSW Police Force)

Attendance:

Present:

Leon Lincoln (NSW Police Force)	Matt Hinton (NSW Police Force)
Karen Apps (First Choice Liquor)	Tracey Norberg (Goulburn Mulwaree Council)
Amanda Sasse (Goulburn Race Club)	Anna McCormack (Goulburn Club)
Scott Cooper (Goulburn Bowling Club)	Lauren Hunt (BSW North Goulburn)
Kevin Tozer (Goulburn Soldiers Club)	Simon Treloar (Astor/ Tatts)
Patrick Burke (Hibernian Hotel)	Andy Hore (Empire Hotel)
Rachael & Neil Grant (Goulburn Events Management)	Anthony Hogan (Goulburn Workers Club)
Mikaela Rose (Roses Café)	

Also Present:-

Amanda Brown (Goulburn Mulwaree Council)	
------------------------------------------	--

Apologies:

Graeme Northey (Graeme Northey Training and Consulting)	Jack Desborough (Goulburn Soldiers Club)
Dawn Hogan (Terminus)	John Ferrara (Goulburn Airport)
Alex Stewart-Moore (Liquor and Gaming NSW)	



Minutes of the Goulburn Liquor Accord Meeting held on **Wednesday 21st July 2021** at 10:00am in the Goulburn Mulwaree Council Chambers

Minutes of Last Meeting

Moved: Scott Cooper
 Seconded: Andy Hore

True and correct record of that meeting.

Treasurers Report

No update as Treasurer is not in attendance.

Leon to follow up with Anthony Hogan as Goulburn Workers Club currently have information.

Correspondence:

Apologies received via email as listed above

Police Report

Presented by Leon Lincoln.

Alcohol Related Assaults

	1 st April – 19 July 2021
Assaults	4
FTQ	18

- The 4 assaults were at 4 different premises
- 18 Failure to Quits have helped to reduce assaults. Great work by venues and staff.
- .Barred from One Barred from all was introduced 4 July, figures below note assaults since that period.

	4/7/18 – 3/7/19	4/7/19 – 3/7/20 *COVID Closure March, April, May	4/7/20- 3/7/21
Assaults in Licensed Premises	23	22	18

~ 3 ~



Minutes of the Goulburn Liquor Accord Meeting held on **Wednesday 21st July 2021** at 10:00am in the Goulburn Mulwaree Council Chambers

- There has been a 22% decrease in assaults based on these figures, Barred from One Barred from All is successful.
- Aaron Whip has dropped off the barred list as at day of meeting.
- Darren Wooding Brown and Hamish Wright- Pollard are both still on the list.
- Tori Mallot and Joseph Langbein have been added to the list and officially notified they are Barred From One Barred From All. Dean Mallot has also been added, but is in Western Australia, so it is not expected he will be seen.

Public Health Order

- Public Health (COVID-19 Restrictions on Gathering and Movement) Orders still apply.
- No singing allowed unless a performance or rehearsal
- Patrons must be seated
- No dancing
- Patrons are limited to 25, or 1 person per 4 square meters, *whichever is greater*.
- Face Masks must be worn by all staff and patrons, including staff who aren't dealing with the public.
- Onus is on the customer to wear a face mask. There is no obligation on the business to ensure patrons wear masks.
- Businesses are responsible to ensure employees wear masks.
- Police enforce face coverings, not staff.
- Staff can ask patrons to put a mask on – if patrons state they have an exemption leave it at that. Call the Police, don't get into an argument.
- You can ask patrons to leave the premises under Section 77 of The Liquor Accord Act if they become argumentative. But you are not required to under the Public Health order.
- QR Codes- Businesses are responsible to ensure all people Check in. Law Enforcement are exempt from Checking in – but most still probably will.
- Businesses must take responsible steps- ensure QR Codes are visible, look at the green tick on Patron's phones.

Incident Registers

- A reminder to update Incident Registers as quickly as possible after incidents.

General Business:

- Same Day Delivery Liquor Law change. If any businesses are interested in implementing Same Day Delivery for Liquor please contact Leon who will go through it with you.
- Matt Hinton- Officer in Charge Goulburn Police Station addressed the meeting.
 - The 22% reduction in assaults is unheard of and hats off to venue staff and Management.

~ 4 ~



Minutes of the Goulburn Liquor Accord Meeting held on **Wednesday 21st July 2021** at 10:00am in the Goulburn Mulwaree Council Chambers

- Please gather evidence against those trying to breach Barred from one Barred from All orders.
 - COVID Compliance – 99.9% of people are complying. Changes are occurring daily regarding restrictions, exemptions, testing, Sydney lockdown etc. Request for patience for Police staff and management, everyone is doing their best to learn and act on changes.
 - Hats off to Venue staff and management for their awareness and action on Covid changes.
 - Orange LGA lockdown has shown trickle into Regional NSW- with Pubs and Clubs now closed. While restrictions are hard now closure would make things much worse, so if we comply we can help prevent Lockdowns and closures.
 - Police Operations are underway stopping vehicles leaving Sydney, on Oallen Ford Road and coming into Goulburn to stop people breaching the Public Health orders.
 - Business have been on the front foot with any possible exposures, being proactive and taking preventative measures. Main focus is on prevention to stop businesses going into lockdown.
- Scott Cooper (Railway Bowling Club) requested clarity that it is up to Police to follow up with people not wearing masks. This was confirmed. It was also confirmed there is no exemption for any patron from the Public Health Order requiring all patrons to sit.
 - Patrick Burke (Hibernian Hotel) asked what the process was for Barred From One Barred From All. Leon confirmed if someone needs to be added to the list to contact him via email. All official correspondence will come from Leon and sent out to Liquor Accord Contact list via minute taker of Liquor Accord- currently Amanda Brown from GMC.
 - Leon will no longer be the Licensing Officer for Hume. He is moving to a Sergeants position in Yass. Liquor Accord members passed on their congratulations and thanks to Leon. The new Licensing Officer will be determined in coming weeks.

Meeting Closed

Being no more business, the meeting was declared finished at 10:28am.

The next meeting is to be held 10am on **Wednesday 27th October 2021** at the Council Chambers, Civic Centre, 184-194 Bourke Street, Goulburn.

Tasks from this meeting

Task	Responsibility
Nil	



Minutes of the Goulburn Liquor Accord Meeting held on **Wednesday 21st July 2021** at
10:00am in the Goulburn Mulwaree Council Chambers

Contact detail

Leon Lincoln - Chairman

Email: linc1leo@police.nsw.gov.au

~ 6 ~



**WOODLAWN PROJECT
Community Consultation Committee**

MEETING MINUTES

Wednesday 28 July 2021
By Zoom teleconference

Item	Minutes	Follow Up By
Meeting Opened:	6. 05pm	
	Meeting Closed:	6.45pm
<p>Attendees</p> <ol style="list-style-type: none"> 1. David Johnson (Chair) 2. Cr Peter Walker (Goulburn Mulwaree Council) 3. Scott Martin (Goulburn Mulwaree Council) 4. Adrian Ellson 5. Tim Dobson (CEO, Heron) 6. Henry Gundry (Veolia) 7. Colin Dennett <p>Invited Observers</p> <p>Simon Smith (CFO, Heron) Chris Hill (FTI Consulting, appointed Administrator) Patrick O'Brien (FTI Consulting)</p>	<p>Apology</p> <p>Denzil Sturgiss</p>	
<p>Pecuniary or non-pecuniary interests</p> <p>None to declare</p>		
<p>DJ opened the meeting and welcomed Chris Hill and Patrick O'Brien from FTI Consulting, Administrators for Heron. It was noted that the last CCC meeting was in December 2020, however email updates on the mine's status have been provided to committee members by TD on 22 March, 21 May and 20 July 2021.</p>		
<p>Previous Minutes</p> <p>Minutes from the previous meeting on 8 December 2020 were noted with no changes.</p>		
<p>Matters Arising from previous minutes</p> <p>No issues were noted.</p>		
<p>Project update</p> <p>TD gave an update on the current status of Heron and Woodlawn. The mine remains in care & maintenance, with 6 persons currently employed at the site. All issues on site are being managed well and security is being maintained.</p> <p>Despite an exhaustive process over the last year, attempts to re-finance a restart of the mine have proven unsuccessful, and administrators (FTI Consulting) were appointed by the Heron Board of Directors on 16 July 2021. The administrators intend to maintain the current business operations while determining the best course of action going forward.</p> <p>CH (from FTI) gave a summary of the situation from the administrator's perspective. Placing Heron into voluntary administration is in fact a positive move and is not liquidation. He is confident that this will provide an improved opportunity for interested parties and will lead to a transaction or arrangement which should allow a re-opening of the mine and processing operations at Woodlawn.</p>		



<p>The process of communicating with potential transaction counterparties will commence immediately; in the meantime, care & maintenance activities at the site will continue with current employees remaining in place. CH is very optimistic that a good outcome can be achieved. The administration and associated transaction process is expected to be completed over an 8 to 12 week period.</p> <p>Some questions followed:</p> <ul style="list-style-type: none"> • How does the process of administration affect the ongoing relationship between the mine operations and Veolia? Any future operators of the mine will require working agreements with Veolia in the same way that has worked successfully between Heron and Veolia to date. • Should the Woodlawn CCC continue under administration? It was agreed that the Committee should continue and meet as appropriate, as guided by TD and the administrators. It was also agreed that the administrators (CH & PO'B) should attend meetings as observers during the administration period. • Will TD continue as CEO? TD confirmed that at the moment he remains as CEO of Heron, but that could change subject to any transaction that results from the administration process. • TD also noted that all small and local creditors of Heron have had their accounts kept up to date and will not be affected by the administration process; only a few larger unsecured creditors (major contractors and unsecured lenders) with outstanding debts will be affected. 	
<p>Community complaints/reports and company response None</p>	
<p>General business / Other matters All members present expressed support for Heron, TD and the administrators, and wished them well for a successful re-start for the mine in due course. It was noted that Heron has enjoyed a high level of support and approval from the community and there is a strong desire to see the project resume.</p> <p>It was decided not to select a date for the next meeting at this time; TD will keep us informed of progress under administration and any developments, possibly by email, and when appropriate a meeting date will be advised.</p>	
<p>Next meeting TBA.</p>	

Note: all CCC, community and associated documents are located on the company website:
<http://www.heronresources.com.au/woodlawn-community.php>

Ardmore Park Community Consultative Committee**Minutes of Meeting held on Wednesday 11 August 2021, at 2.00pm via Zoom**

- Present:** Don Elder (Chairman), Jason Mikosic (MQ Representative),
Mick Rogers (MQ representative – Community Liaison),
Steve Wall (MQ Representative)
Phillip Broadhead (Community Member), Bill Dobbie (Community Member)
Joanne Macey (Community Member), Damien Cole (Community Member)
Rob James (Community Member),
Scott Martin (GM Council), Matthew O'Rourke (GM Council)
James Hammond
Theresa Nguyen
- 1) **Welcome:** The meeting was declared open at 2.00pm. The Chairman welcomed James Hammond and Theresa Nguyen from 4 Pillars Environmental Consulting
 - 2) **Apologies:** Nil
 - 3) **Recording of meetings:** In accordance with the process agreed during the May 2017 CCC meeting, the Chair asked if there were any objections to the meeting being recorded. There being no objections, Mr Broadhead recorded the meeting.
 - 4) **Declaration of Pecuniary or Other interests:** nil
 - 5) **Minutes of previous meeting:** The minutes of the meeting held on 26 March 2021 were confirmed.
 - 6) **Business arising from the minutes:**
 - a) Note taker. Letter from Cathrynne Henshaw seeking this position was received. RESOLVED that the relevant correspondence be sent to James Mikosic for his comments.
 - b) Membership of the CCC. The Chairman is to write to Michael Ireland regarding his attendance at CCC meetings.
 - c) Company's Annual Environmental Review. This is on the Company website.
 - d) Road works. Comment was made on road works done on Jerrara Road and Mountain Ash Road by the Company. Matthew O'Rourke reported on Council inspection and requirements. Comments made included:
 - i) The Council and Multiquip are to meet tomorrow to discuss the roads and work to be done.
 - ii) Many residents have expressed concerns as to the condition of the roads.
 - iii) An article in the *Goulburn Post* of 8 June 2021 was referred to.
 - iv) Multiquip advised that it is engaging a contractor to attend to the roads and it is hoped that work will commence in September 2021.
 - v) Speed on the roads is a problem.

- vi) A greater police presence is needed.
- e) **Noise monitors:** Steve Wall reported that the Company had not made any noise onsite on any Friday or Saturday nights and it does not intend to install any more noise monitors.
Rob James reported that the noise was extreme when the atmosphere was still. He is to report any noise to Steve Wall.
- 7) **Correspondence:** Referred to elsewhere in these minutes.
- 8) **Company report:** The Company's Report which is attached with the minutes, was presented by James Hammond, who answered questions and advised:
 - a) Work to backfill the quarry is being undertaken gradually. The planting of trees will commence within the next 12 – 18 months; this work is also expected to be carried out on a progressive basis.
 - b) Rob James questioned the condition of the parsonage. It was advised that doors were off due to vandalism and the interior needs protection and preservation. Rob offered to make a financial contribution to assist in preservation. He and Steve Wall are to meet and discuss work to be done. There may be grant funding available.
 - c) Modification 3 will not be pursued until the road works are satisfactorily completed.
- 9) **General business:** Nil
- 10) **Next Meeting:** The next meeting will be held at the Bungonia Community Hall on 12 November at 2.30pm (subject to COVID-19 guidelines.)

The meeting closed at 3.30pm

Confirmed

Chairman

16 CLOSED SESSION

Council must resolve to move into Closed Session to deal with any items under s10 *Local Government Act 1993*.

There were no closed session reports for determination.

17 CONCLUSION OF THE MEETING

The Mayor will close the meeting.